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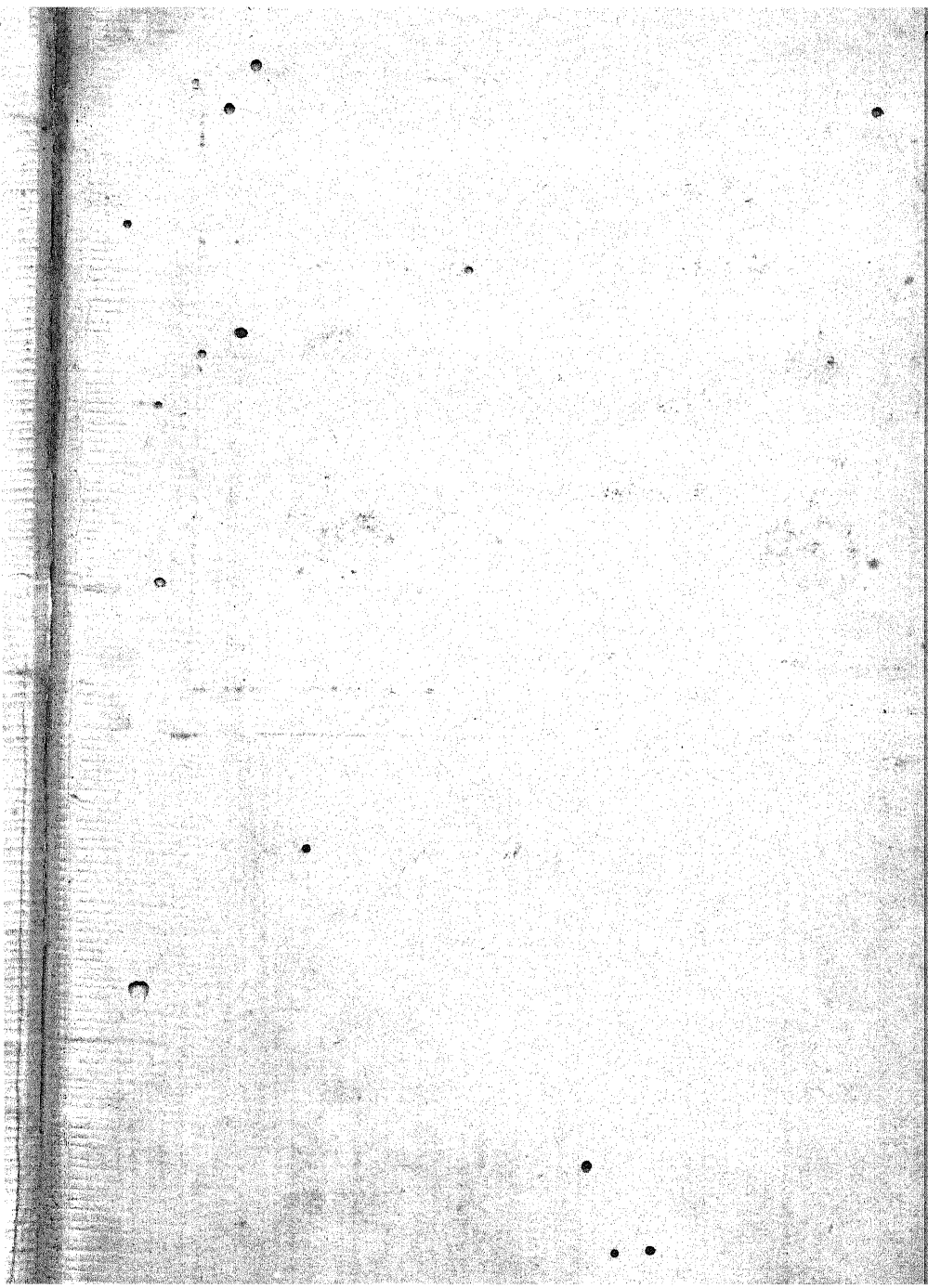
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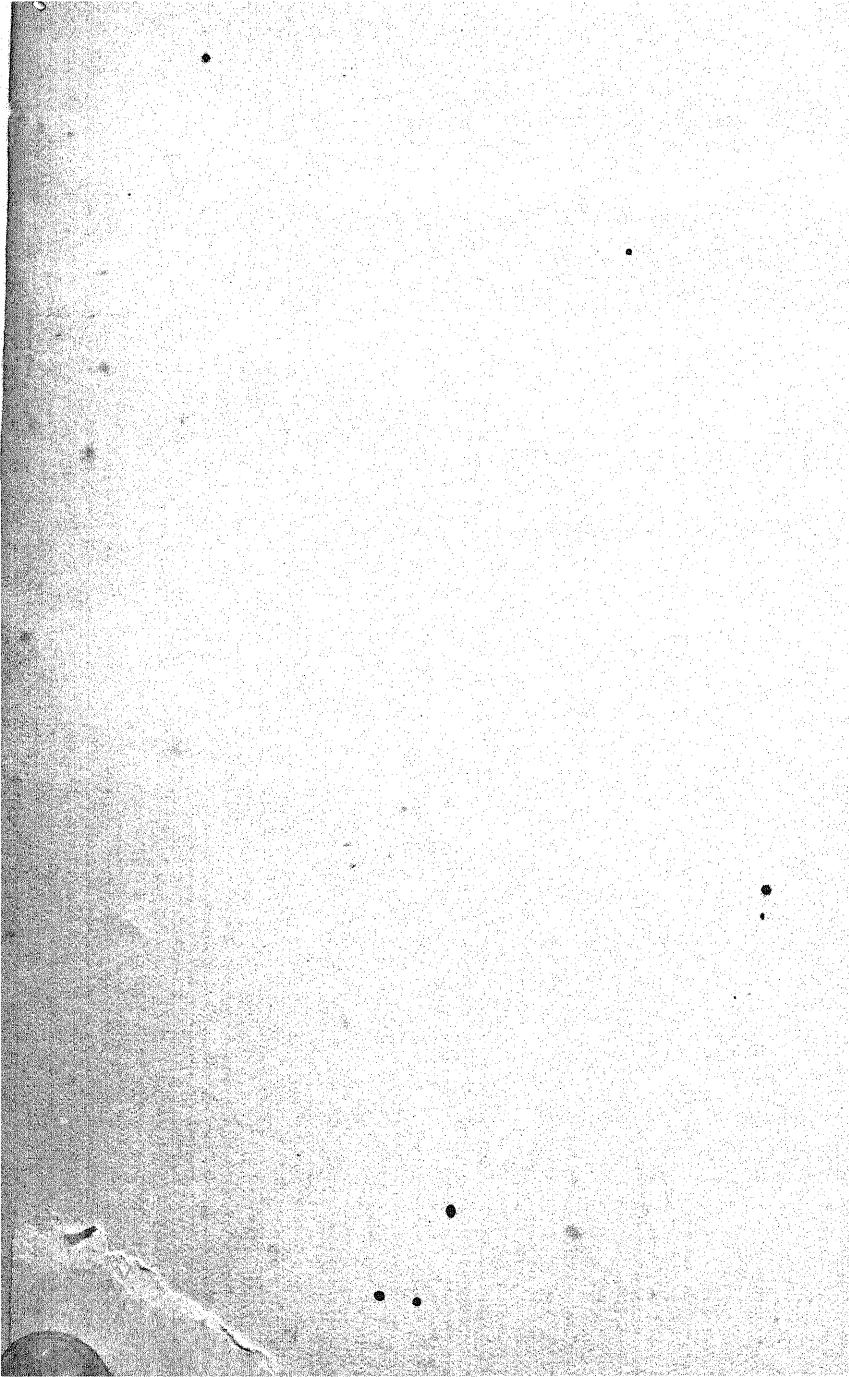
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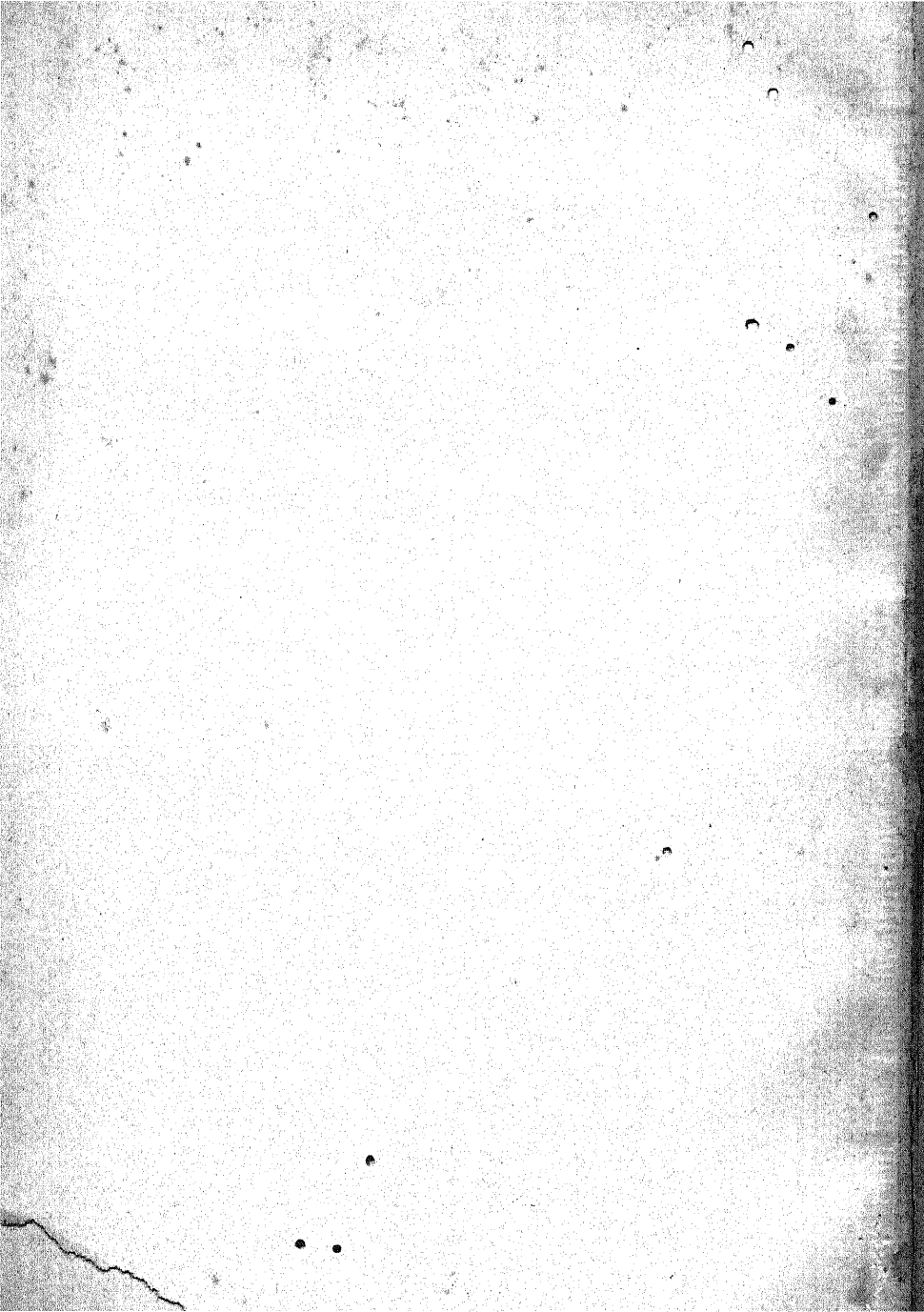


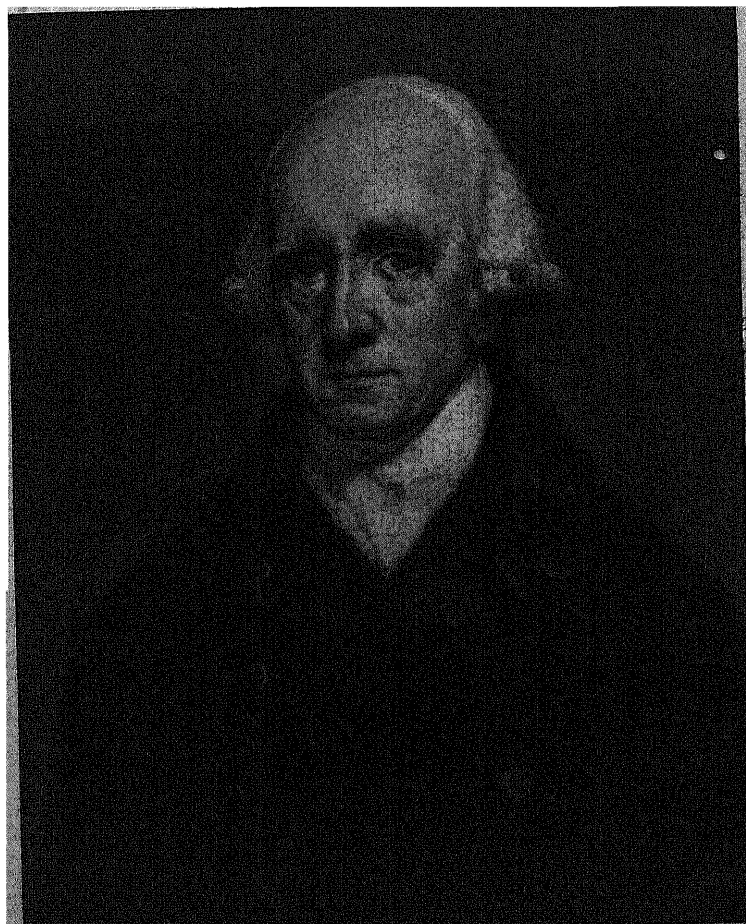


SELECTIONS FROM THE STATE PAPERS OF THE

WARREN HASTINGS

I





SELECTIONS FROM
THE STATE PAPERS
OF THE
GOVERNORS - GENERAL
OF INDIA)

EDITED BY

G. W. FORREST, C.I.E.

~~EX-DIRECTOR OF RECORDS, GOVERNMENT OF INDIA~~

WITH PORTRAITS AND MAPS

VOL. I

WARREN HASTINGS

INTRODUCTION

OXFORD

B. H. BLACKWELL, BROAD STREET

LONDON

CONSTABLE & CO., LTD.

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PREFACE

EIGHTEEN years ago there appeared three folio volumes of *Letters, Despatches, and other State Papers preserved in the Foreign Department of the Government of India, 1772-1785*, printed by authority under my editing. The Introduction to these volumes is the Introduction to the State Papers submitted to revision, and so enlarged that it has a title to be regarded as a new work. In order that the student of history should rightly comprehend the nature of the government of India, and judge of its character, it is necessary first to direct his attention to the circumstances under which it arose, and to the principles on which it is founded. The close union between the history and constitution of the Indian Government and that of England must be traced and clearly understood. The Supreme Government of India is not the creation of any Indian authority, but derives its constitution and powers from many successive Acts of Parliament. It is for this reason that I have, in the present account of Warren Hastings' Administration, dealt at length with the Acts of Parliament relating to India passed during his tenure of office. It was by the Regulating Act of 1773 that Warren Hastings became

the first Governor-General, and it was by this measure that, for the first time, the British nation, as a nation, assumed the actual responsibility of the government of the territories won by the servants of a trading corporation. It was Pitt's Bill of 1784 which provided that a department of the Imperial Government should have full cognizance of, and power of control over, the acts of the Company ; and the system of Home Government for India then established remained substantially the same till the Mutiny. It was the defects in the constitution and working of the Home Government which led in a large measure to the storm in which the Company perished. In the Introduction to the State Papers my chief aim was to prove, by means of the authentic materials exhumed from the Indian archives, that Hastings was not guilty of the crimes laid to his charge by unscrupulous opponents and political partisans, and that his foreign policy was worthy of a true statesman. But his merits as the director of foreign wars and diplomacies should not be allowed to eclipse his importance as an administrator who had a love for good, wise, and stable government. In the Introduction now submitted to my readers there is a more exhaustive survey of the measures which he adopted to improve the civil administration and the judicial administration, the two departments of business on which the prosperity and contentment of the people mainly depend. At a time when the land had been desolated by the Mahratta freebooter, pestilence, and famine ; when it was suffering from the scourge of roving bands of fanatics ; when all that was dear to the

peasant—life, property and family—were at the mercy of the whim, passion, or greed of his landlord or of some petty Mahomedan official, Hastings laid the foundations of the present structure of order, peace, and security.

Besides using the original records, I have consulted the *Reports of the Parliamentary Committees on Indian Affairs*, published between 1772 and 1785; *The History of the Trial of Hastings*, published by Debrett; *The Trial of Nundcoomar*, published by sanction of the Supreme Court; *Note with Reference to the Trial of Maharajah Nundcoomar in 1775*, prepared for Sir James Stephen, and printed by direction of one of the Judges of His Majesty's High Court at Calcutta; *Debates of the House of Lords on the Events delivered at the Trial of Warren Hastings*, printed by Debrett; *Impeachment against Warren Hastings*, by Ralph Broome, Esq.; *Scott's Indian Tracts*; and many other pamphlets published at the time of the impeachment. I have also referred to a number of old books, such as Hamilton's *History of the Rohillas*, the *Life of Hafiz Rahmat Khan*, and the *Seir Mutakherin*, from which I have derived considerable assistance. A book of recent date demands special notice. *The Story of Nuncomar and the Impeachment of Sir Elijah Impey*, by Sir James Stephen, is a work which exhibits a profundity of research and a clearness of understanding which would do honour to any historian of modern times. By a careful marshalling of the facts and a dispassionate criticism of the evidence the writer dispels a cluster of fiction which had gathered around the trial of Nund-

coomar. I have freely availed myself of the results of his great learning and powerful mind.

The load of obloquy resting on Hastings' memory has in a large degree been removed by clearer and juster views of the events of his time and the character of the man, who did good service for his country and the land in which he toiled for five-and-thirty years. The drift of opinion has changed since the publication of the State Papers, and I trust that the study of the representative documents, marked with a comprehensiveness and dignity worthy of a great ruler, now collected in this work, will lead to an even more just, fair, and discriminating estimate of his character and measures.

I am indebted for the index to Mr. F. G. Stokes, who has also assisted me in the correction of the whole of the proofs.

G. W. FORREST.

IFFLEY,
OXON.

THE DOCUMENTS

THE first document reprinted in the present work is *Memoirs Relative to the State of India*, which was written by Warren Hastings during his long voyage home. It is a brief survey of the motives, progress, execution, and prospects of all the principal acts of his government, prolonged through more than ten years. The more we study this paper the higher will be our esteem for the writer's mind, the width of his interests, the fearlessness and strength of his judgment; the higher, too, will be our esteem for his character and his genius. By the indwelling light Hastings saw that it was the proud destiny of England to hold over the Indian powers the umpire's sceptre, and to maintain the peace of a continent. To Hastings belongs the credit of having, by his genius and courage, raised the Company from being a body of merchants and adventurers into the most powerful State in the politics of India. Of the origin and early growth of the Company's power he writes:

"I am not its author. The seed of this wonderful production was sown by the hand of calamity. It was nourished by fortune, and cultivated, and shaped (if I may venture to change the figure) by necessity. Its first existence was commercial: it obtained, in its growth, the sudden accession of military strength and territorial dominion to which its political adjunct was inevitable. It is useless to inquire whether the Company, or the nation, has derived any substantial benefit from the change, since it is impossible to retrace the perilous and wonderful paths by which they have attained their present elevation, and to redescend to the humble and undreaded character of trading adventurers."

But though "it was impossible to retrace the wonderful and perilous paths," Hastings refutes the charge that he was a man of ambition, prone "to be misled by projects of conquest." Peace was indispensable to his policy. "The land required years of quiet to restore its population and culture; and all my acts were acts of

peace. I was busied in raising a great and weighty fabric, of which all the parts were yet loose, and destitute of the superior weight which was to give them their mutual support, and (if I may so express myself) their collateral strength. A tempest or an earthquake could not be more fatal to a builder whose walls were uncovered, and his unfinished columns trembling in the breeze, than the ravages or terrors of war would have been to me and to all my hopes." Hastings proceeds to state how he would have applied to political consolidation the power which, possessed by his successors Cornwallis and Wellesley, was denied to him.

"I should have sought no accession of territory. I should have rejected the offer of any which would have enlarged our line of defence, without a more than proportionate augmentation of defensive strength and revenue. I should have encouraged, but not solicited, new alliances, and should have rendered that of our government an object of solicitation, by the example of those which already existed. To these I should have observed, as my religion, every principle of good faith; and where they were deficient in the conditions of mutual and equal dependence, I should have endeavoured to render them complete; and this rule I did actually apply to practice in the treaty which I formed with the Nabob Shujah o Dowlah in the year 1773."

Hastings adds in glowing words:

"But though I profess the doctrine of peace, I by no means pretend to have followed it with so implicit a devotion as to make sacrifices to it. I have never yielded a substantial right which I could assert, or submitted to a wrong which I could repel with a moral assurance of success proportioned to the magnitude of either; and I can allude to instances in which I should have deemed it criminal not to have hazarded both the public safety and my own, in a crisis of uncommon and adequate emergency, or in an occasion of dangerous example."

The "Memoirs" were not originally intended for general publication. The preface to "A New Edition, with Additions. Printed for J. Murray, No. 32, Fleet Street, MDCCLXXXVI," informs us that "An imperfect copy having been obtained by Mr. Kearsley, and published by him without permission from the author, rendered it necessary to give a correct and authentic edition of a work that has so much engaged the attention and conversation of the world. For this purpose Mr. Murray, the present publisher, applied to Mr. Hastings and obtained his consent. The explanatory notes are added by the Editor, and have never been communicated to Mr. Hastings."

The memoirs and the notes in this volume are drawn from the edition published by J. Murray.

The second paper reprinted in this work—*A Narrative of the Insurrection which happened in the Zemedyary of Benares in the middle of August, 1781, and of the Transactions of the Governor-General in that District*—is of considerable interest as an historical testimony. It is worthy of a serious and dispassionate examination by all who are desirous of forming a deliberate judgment on a memorable incident in the administration of Warren Hastings. On the 16th of August, 1781, as every reader knows, two companies of Sepoys, with their English officers, were massacred almost to a man at Benares. As repeated warnings were sent to Hastings that he and the thirty Englishmen who were with him would be put to the sword, he left, at dusk on the 22nd of August, the house in the suburbs where he had taken up his quarters, marched on foot with his few Sepoys through the narrow streets of the sacred city, and, after a tramp of thirty miles, reached, next morning, the rock fortress of Chunar. Beset by dangers and anxieties he began, with characteristic calmness and resolution, to write, on the 1st of September, an account of the insurrection. On the 24th of September he wrote to his wife: "I send a duplicate of my last, because it contains a series of wonderful and most happy events, compressed into a short Narrative." On the last day of the year he sent a copy of the Narrative "to my respectable and most respected Associates in the Administration." Soon afterwards it was made public. Hastings wrote to the Earl of Shelburne: "It may perhaps prove a gratification of curiosity to your Lordship to receive a book which is in every process of its manufacture of this country." Replying to the Resolution passed by the Court of Directors that the conduct of the Governor-General towards the Raja of Benares was "improper, unwarrantable, and highly impolitic," Hastings thought it sufficient to refer them to the Narrative, and to point out the ninth and following pages of the copy which was printed in Calcutta for "a complete explanation, and I presume as complete a demonstration of the mutual relation of Rajah Cheyt Singh, the vassal and subject of the Company, and of the Company his sovereign."

Hastings had a complete copy of the Narrative sent to his agent in England, Major Scott. He wrote: "I desire that you will obtain the permission of the Court of Directors, if you can, for printing it. I have written it with that view, and therefore made it as intelligible as I could; and I think that the events are so much out of the common road as to excite and gratify the curiosity of those even

who are not interested in them. My friends, *i.e.*, my confidential friends, must first read it; but make a point of publishing it, unless they shall unanimously oppose it. Perhaps I consider the subject of it of more importance, from the natural bias of the part which I personally bore in them, than they deserve; and perhaps I have been too ingenious in my declarations and professions for the public opinion. The first I admit a valid objection. The last must not operate against the publication; for I trust implicitly in the justice as well as integrity of my actions and intentions, that they will do me credit hereafter, let what will be the present judgment of them."

The Court of Directors must have given their consent, for *A Narrative of the late Transactions at Benares, by Warren Hastings, printed for J. Debrett (successor to Mr. Almon), opposite Burlington House, Piccadilly*, was published in 1782, and was widely read and discussed. Frequent reference is made to it in the innumerable pamphlets published at the time by the friends and opponents of Hastings. The Narrative was freely used by the great antagonists in the debates of the House of Commons with regard to his impeachment, and has special bearings on the course taken by Pitt, which has been the subject of considerable discussion. Hastings' treatment of the Rajah of Benares formed the third of the several articles of charge of high crimes and misdemeanours against him presented to the House of Commons on the 4th and 11th of April, 1786. On the 1st of June, Burke brought forward the Rohilla war as the first article of the charge. With considerable heat Burke denounced Hastings, and with high emotion gave a moving picture, created by his vivid imagination, of a whole nation slaughtered and banished, and "the country no longer that luxuriant garden which every spot of it had been before the Rohilla war." Fox denounced the war as "an abandonment of all the great principles of morality." He taunted Dundas for being the man who had also, four years before, condemned the Rohilla campaign in as severe terms as can be made use of. Dundas was now the member of the Board of Control mainly answerable for the conduct of Indian affairs. He had, therefore, to regard the matter from the point of view of a responsible administrator, and he had learnt by official experience how difficult and complex is the administration of a great foreign dependency. The shrewd Scotch lawyer took up a practical position. Since the Rohilla campaign, Hastings had been appointed by an Act of Parliament Governor-General of Bengal. He, therefore, saw no reason for calling him to account for a transaction which the House had so many years ago tacitly and by implication consented to pass over. He dwelt on the essential services which

Hastings had rendered his country, and he spoke of him as "the Saviour of India." Hastings had recently concluded treaties with the Princes of India, and Dundas appealed to the good sense of the House whether his impeachment might not be attended with consequences in India much more alarming than any advantage which could be expected to result from making him an example of Parliamentary vengeance could compensate. For two nights the House continued the discussion with animation and vigour. Pitt sat silent. Dawn broke, and at half-past seven the House divided, and the numbers were: For the motion, 67; against it, 119. Thus, by a majority of 52, the House of Commons decided that there were not grounds sufficient to impeach Hastings upon the matter of the Rohilla war.

The partisans and friends of Hastings regarded the rejection of the first article by a substantial majority as a most certain indication of the result of the inquiry. The Prime Minister had voted with the majority. Pitt had asked Hastings to furnish him with a correct statement regarding a zemindary tenure. On the 8th of June Hastings forwarded him "a memorandum drawn up with great care." Two days later Pitt wrote to Eden, "I have hardly hours enough to read all the papers necessary on that voluminous article." On the 13th of June, Fox laid before the House the third of the several articles of charge which went on Hastings' treatment of the Rajah of Benares. Fox based his case solely on the ground that Cheyt Sing was an independent Prince, no way liable to be called on for succour by the Indian Government. Fox was seconded by Francis, who, at the close of his speech, made a statement as malicious as it was false. After quoting the exordium of the "Narrative," he said that Hastings had omitted to state that he received a present of 2 laes of rupees (or £20,000) from Cheyt Sing. Francis knew that the money had been paid into the Government Treasury for public use (*Introduction*, pp. 178-179). The Prime Minister then rose and said that "he had felt the greatest difficulty and uneasiness in being obliged to determine, on judicial questions, the merits of which were so closely connected with Indian principles and habits; and that under the insurmountable impression of sentiments and feelings imbibed and matured under the British constitution" (*Parliamentary History*, vol. xxvi., p. 102). He had, however, "by a most laborious investigation been able to form such a final and settled opinion concerning it, as had completely satisfied him of the vote which, in his conscience, he was bound to give." Pitt proceeded to do what Hastings had done in the "Narrative" (Vol. II., pp. 136-139): he

analyzed the instruments conferring the zemindary and proved by them that Cheyt Sing was "the vassal and subject of the Company, and of the Company, his sovereign." With cold reasoning based on legal instruments he demolished every count of the indictment. Cheyt Sing was not an independent Prince; the Council of Bengal had a right to demand aid, and they were justifiable in punishing him for having contumaciously resisted the demand. Hastings had committed no crime; but he declared that he would vote for the resolution, not on the firm ground, as historians and biographers have stated, that the fine exacted was too large, but on the intangible plea of "criminal intention." The grounds of his opinion that the conduct of Mr. Hastings was censurable he stated "were that the fine which he determined to levy was beyond all proportion exorbitant and tyrannical." On this plea and this plea alone Pitt voted for the resolution which, owing to his overpowering influence, was carried by 119 against 79. "I have been declared," Hastings wrote, "guilty of a high crime and misdemeanour in having *intended* to exact a fine too large for the offence, the offence being admitted to merit a fine from Cheyt Sing." The Rajah of Benares, seeing that Warren Hastings had made the mistake of bringing too slender an escort to his capital, was insolent, and Hastings ordered him to be arrested. Cheyt Sing did not know that the fine was exorbitant, because he was never told that Hastings intended to fine him. "It was," says Hastings, "a resolution which was confined to my own breast." Pitt would never have known of Hastings' intention to exact a fine, or the amount, but for Hastings' own frank avowal in the "Narrative." It was an unfulfilled resolution, and historians and biographers have omitted to mention the vital fact that there is evidence which creates a reasonable doubt as to whether Hastings would have exacted the full amount. The first article of the impeachment was the Benares charge. Lord Thurlow, in his careful examination of the evidence given on the prosecution and defence, stated that on Hastings' arrival at Baugulpoor (Bhagalpur), Markham, the Resident at Benares, met him, and he communicated to him his intention to levy a fine of 40 or 50 lacs from Cheyt Sing. "Mr. Markham observed that it was a very large sum, and that he believed the Rajah's revenues had been overrated at Calcutta." To this remark Mr. Hastings replied, "We will talk further on this subject at Benares," meaning most obviously, and as Mr. Markham says he understood him to mean, that if the Rajah's wealth and his revenues were less than Mr. Hastings had supposed them to be, he would take a smaller sum."

It is impossible to look back to the conduct of William Pitt without deep regret. Macaulay, in his *Essay on the Life of Hastings*, states that "the one course which it is inconceivable that any man of a tenth part of Mr. Pitt's abilities can have possibly taken was the course he took." The most plausible defence of Pitt's action was made by Dundas. Speaking of the course taken by Pitt and himself, he writes: "The truth is, when we examined the various articles of charges against him with his defences, they were so strong, and the defences so perfectly unsupported, it was impossible not to concur." Hastings, as he told the House of Commons, was "laid under the obligation of preparing and completing in five days, and in effect it so has proved, the refutation of charges which it has been the labour of my accusers, armed with all the powers of Parliament, and at one time greater, to compile during so many years of almost undisturbed leisure." The articles of charge occupy 460 pages of an octavo volume. They are, as Sir James Stephen states, bulky pamphlets sprinkled over with imitations of legal phraseology. "They are full of invective, oratorical matter, needless recitals, arguments, statements of evidence—everything, in fact, which can possibly serve to make an accusation difficult to understand and to meet." Hastings had neither time to write all the minutes of defence which he presented at the Bar of the House of Commons, nor to procure evidence in their support. The exordium is by him, as were the minutes on the Rohilla war, on which was founded the first and, he considered, the gravest charge. But the Benares charge he did not regard as of any great importance, and he entrusted the defence of it to his friend Nathaniel Halhed, an eminent Orientalist, a man of splendid abilities and great information, but of too high a genius for the task. At the trial in Westminster Hall, Lord Thurlow stated that their Lordships "had full evidence before them, that not a line of the defence on the Benares charge was written by Mr. Hastings, and all the objectionable parts of it, which had been relied upon in order to show malice, were actually inserted after Mr. Hastings had heard the other parts read once cursorily over." It would have been wiser if Hastings had met the Benares charge by the Narrative. The "Narrative" was read to the Peers during the trial, and its clear and plain statement of the whole transaction was fully confirmed by the evidence. On the 23rd of April, 1795, the Lord Chancellor put the first question to each individual peer: "Is Warren Hastings, Esq., guilty or not guilty of high crimes and misdemeanours charged by the Commons in the first article of charge?" Not guilty, 23; guilty, 6.

The third paper reprinted in this work is a secret despatch by Warren Hastings, giving an account of the negotiations with Madhojee Bhonsla, the Regent of the kingdom of Nagpore, which led to the treaty of 1781, and the defeat of a powerful confederacy for the overthrow of the British power. It is the first representative specimen of the State papers written by the Governors-General, illustrating the diplomatic policy by which the States of India were brought under British supremacy. The founder of the independent kingdom of Nagpore, or Berar as it was commonly called, was Raghojee, a Mahratta chief who belonged to the tribe of Bhonsla, of which Shivaji, the founder of the Mahratta Empire, was a member. Operating from his capital, Nagpore, "the centre point," says Hastings, "of all Hindustan and Deccan," Raghojee conquered large territories from the Nizam; he extorted the chout, or fourth, of the revenues from Bengal, and he occupied the Orissa country to the south of Bengal and Behar. At the time of his death, in 1755, he had established the supremacy of the "Rajpoot Mahrattas" (as they were called in contradistinction to the Deccan Mahrattas) from the Adjunta hills to the sea. The Bhonslas of Berar regarded the Peshwas as mere upstarts as far as social, religious, and political status was concerned; and, by virtue of their kinship to Shivaji, they always nursed a design on the throne of Satara. In January, 1778, the Rajah of Satara, the last descendant of Shivaji, died. Madhojee Bhonsla, the Regent of the kingdom of Nagpore, had been adopted by him as his successor, and was generally regarded as the rightful heir. Hastings wrote to him suggesting that he should assert his claim to the throne, and, if necessary, seek for British assistance. A fortnight after the letter was despatched, Hastings heard from the Bombay Government that they intended to restore Raghunath Rao, uncle of the fourth Peshwa, to the Mahratta chieftainship, and conduct him to Poona with a military escort. When it was resolved to send a force under Colonel Leslie to the aid of Bombay (*Introduction*, pp. 163-166), Hastings wrote a letter to Madhojee desiring his permission for its passage through his territories: "To this I received an early reply, expressing his hearty consent, and informing me that he had signified the same in a letter to Colonel Leslie, and had sent a person of consequence with a body of horse and a large store of grass for the use of the detachment, to the banks of the river Nerbudda, with orders to escort it through his territory." The dilatory Leslie, however, lingered in "the detested land of Bundelcund," and the escort and stores waited on the banks of the Nerbudda for three months. On the 7th of July

the Bengal Government "received intelligence by way of Suez that war was declared by the Court of France against England on the 30th of March last." "It was no longer a time to temporize," says Hastings, "but for speedy and decided measures." On the 20th of July he deputed Alexander Elliot to Nagpore, with offers of alliance to the Government of Berar. Hastings at the same time informed the Bombay Government that he was endeavouring to form an alliance with the Rajah of Berar which would embrace the politics of Poona, and enjoined them to avoid any measure hostile to the Poona Regency. Alexander Elliot died on his way to Nagpore, "thinking of nothing but the public business in his delirium." The negotiations, interrupted by his death, were continued by Goddard, who had been appointed to succeed Leslie; but when Madhojee heard of the resolution of the Bombay Government to conduct Raghunath to Poona (October, 1778), he at once renounced all engagements with the British. "He saw," says Hastings, "that he should have a competitor in Raghunath Rao, supported by the same power which had offered its aid to him, and by that part of it which had the executive charge of its political operations in its own hands." Contrary to the expressed wish of Hastings, without adequate preparation, and without alliances, the Bombay Government sent a small force to penetrate into the heart of the Mahratta dominion. The attempt ended in disaster and disgrace. The Bombay Government disavowed the miserable Convention of Wargoom on the ground that their agents had no power to make a treaty, and on the 1st of January, 1780, the war with the Mahrattas was renewed. In the month of September, 1780, news reached the Bengal Council from Madras that Hyder had entered the Carnatic, destroyed an army, and driven Sir Hector Munro to the walls of Fort St. George. It was at this time known that Madhojee Bhonsla and the Nizam had united in a plan of confederacy with Hyder Ali and the Ministers of the Peshwas Government for the overthrow of the British power. How Hastings in this great and sudden storm governed the vessel of the State with a calm heart and a steady hand is told in the *Introduction*. He despatched by sea Eyre Coote, the victor of Wandewash and the idol of the native army, to conduct the war in the Carnatic, and he sent down a detachment under Colonel Pearse 1,100 miles along the coast to Madras. He won over, by skilful diplomacy, the Nizam and the Rajah of Berar. The despatch contains his correspondence with his agent, and the letters reveal the tact, patience, and firmness with which he conducted a long course of intricate negotiations. When these were brought to a successful close he wrote :

"The mere Fame of an Alliance betwixt the English and the Government of Berar will have a great Effect. We shall no longer be considered as sinking under the united Weight of every State in Hindostan : The Scale of Power evidently turned in our Favor ; and this is of more importance than could be well imagined in Europe, where the Policy of Nations is regulated by principles the very reverse of those which prevail in Asia. There, in Contests betwixt Nations the weaker is held up by the Support of its Neighbors, who know how much their own safety depends on the preservation of a proper Balance. But in Asia the Desire of partaking of the spoils of a falling Nation, and the dread of incurring the Resentment of the Stronger party are the immediate Motives of Policy, and every State wishes to Associate itself with that Power which has a decided Superiority."

The incident in the long administration of Hastings which has attracted most attention is the Rohilla campaign. The Rohilla atrocities are discussed by the light of contemporary evidence in the *Introduction* (pp. 62-74). Hastings wrote many voluminous papers on the origin and conduct of this war, and from them I have selected "The Governor-General's Minute to the Court of Directors," dated 3rd December, 1774, because it gives within convenient compass "the growth and objects of that enterprise," and answers "the various arguments which have been urged in consideration of it." In this Minute Hastings avows the fact that the payment of 40 lacs by the Vizier to the Company for the service of their troops greatly influenced his decision. Mill used mutilated extracts from this Minute to show that "*Money* was the motive to this eager passion for the ruin of the Rohilla" (*History of British India*, vol. iii., p. 395), and Hastings always maintained that he did right (*Introduction*, p. 72), that his action "was strictly conformable to the practice of all States in all ages." M. Ricaud, a French lawyer who has closely studied the documents collected in the *Selections from the State Papers* writes— "But as the Company intervened solely because it had guaranteed the execution of the treaty, it quite justly compelled the native ally to defray the cost of a campaign, the whole benefit of which accrued to him. Was this a bargain for a disgraceful profit? Did this imply the sale of troops? Were the English ordered to pay the Vizier of Oude for the right of shedding their blood for him?"

A few papers written by Warren Hastings on the internal administration are reprinted in the Appendix. The first of them is a letter "to the Hon'ble the Court of Directors for Affairs of the Hon'ble The United Company of Merchants of England Trading to

the East Indies, Fort William, the 3rd November, 1772.* The style of the prose clearly indicates that the letter from the President and Council to the Court of Directors, dated 3rd November, 1772, was written by Warren Hastings. To judge rightly of his administration we must transport ourselves to his time, and examine what was the condition of the people and the local government, and what were the means for effecting an improvement. Hastings was President of a Committee which had proceeded on a tour through the Province, and in this record of their journey he tells us "the State of the Province at this juncture," and mentions the first regular Process that was formed "for conduct and the business of the Revenue." In their letter the Committee state—"The administration of justice has so intimate a connection with the Revenue that we cannot omit the mention of it while we are treating of this subject in a general review, although we have already given our sentiments upon it at large in another place, to which we shall crave leave to refer." These sentiments will be found in *Copy of a Letter from the Committee of Circuit to the Council at Fort William, dated Cossimbazar 15th August, 1772* (Appendix B, p. 282), and the proposed mode of giving effect to them is indicated in *A Plan for the Administration of Justice extracted from the Proceedings of the Committee of Circuit, 15th August, 1772* (Appendix B, p. 290); after these documents comes *A Plan for the Better Administration of Justice in the Province of Bengal*, which Hastings sent home on the 20th January, 1776. His scheme of judicial reforms had no trial: it had its defects, but it was a strenuous and sterling endeavour to create a judicial machinery in full harmony with the time and its practical needs. These documents must not be regarded as mere official antiquities, for they contain sentiments and methods which have helped to mould Indian administration, and many of the questions at issue are still unsettled. A hundred and thirty-nine years have passed since the Company issued their instructions to the first British Supervisors, but the principles of administration laid down have not lost their vitality (*Introduction*, p. 14):

"Your Commission entrust you with the superintendence and charge of a province whose rise and fall must considerably affect the public welfare of the whole. The exposing and eradicating numberless oppressions which are as grievous to the poor as they are

* This paper was printed in an Appendix to the *Annals of Rural Bengal*, by Sir William Hunter, a book which can always be read with interest and utility. "A Report on the District of Jessore," by Sir James Westland, the best account of an Indian District ever written, contains a useful sketch of the rise of British administration.

injurious to the Government; the displaying of those national principles of honour, faith, rectitude, and humility which should ever characterize the name of an Englishman; the impressing the lowest individual with these ideas, and raising the heart of the Ryot from oppression and despondency to security and joy, are the valuable benefits which must result to our nation from a prudent and wise behaviour on your part. Versed as you are in the language, depend on none where you yourself can possibly hear and determine. Let access to you be easy, and be careful of the conduct of your dependents. Aim at no undue influence yourself, and check it in all others. Great share of integrity, disinterestedness, assiduity, and watchfulness is necessary, not only for your own guidance, but as an example to all others, for your activity and advice will be in vain unless confirmed by example."

INTRODUCTION

IN 1772 Warren Hastings was appointed by the Court of Directors "to preside in their Council at Bengal." Twenty-two years previously he had landed at Calcutta as a writer in the Company's establishment, and had spent the first seven years of his service in performing the duties of a merchant's clerk: appraising silks and muslins, and copying invoices. While he was thus engaged, Surajah Dowlah declared war against the English, and Hastings was taken prisoner at Cossimbazar just before the tragedy of the Black Hole took place. After his release, which he owed to the kind offices of the Dutch, he joined the fugitives from Calcutta at Fulta and fought as a volunteer under Clive in the battle of Budge-Budge and the other engagements which led to the recapture of the capital of Bengal. The courage and political ability he displayed at that critical time won him the regard of Clive, and gained for him the appointment of Resident at the Court of Meer Jaffir, when that prince was, after the battle of Plassey, proclaimed Nawab* of Bengal. Three years after, he became

Warren
Hastings'
early
career,
1750.

* *Nawab*, the Ar. pl. of sing. "Nāyab," a deputy, was applied in a singular sense to a delegate of the supreme chief—viz., to a Viceroy or Chief Governor under the Great Mogul; e.g., the *Nawab* of Surat, the *Nawab* of Oudh, the *Nawab* of Arcot, the *Nawab Nazim* of Bengal. From this use it became a title of rank, without necessarily having any office attached (*Hobson Jobson*, by Colonel Henry Yule and A. C. Burnell).

Member of Council and strenuously supported the Governor, Mr. Vansittart, against his corrupt Council.

Hastings'
return to
England.

In 1764 Hastings returned to England after fifteen years' service, a comparatively poor man. Macaulay writes: "It is certain that at this time he continued "poor; and it is equally certain that by cruelty and "dishonesty he might easily have become rich. It is "certain that he was never charged with having borne "a share in the worst abuses which then prevailed; "and it is almost equally certain that, if he had borne "a share in these abuses, the able and bitter enemies "who afterwards persecuted him would not have failed "to discover and to proclaim his guilt."

The year after the return of Hastings to England Clive laid the foundations of territorial sovereignty by the acquisition of the Dewane, or right of receiving the revenues of Bengal, Behar, and Orissa.* On the 24th of September, 1766, the General Court of Proprietors,† dazzled by the vast riches with which the

* The grant is dated August 17th, 1765. The Orissa of the grant corresponds to what is now the district of Midnapur.

† The whole of the government of the Company was in the hands of (1) the Proprietors assembled in General Court; (2) the Committees, called afterwards the Directors, assembled in their special Courts. To have a vote in the Court of Proprietors it was necessary to be the owner of £500 of the Company's stock: and no additional share gave any advantage or more to any proprietor than a single vote. The Directors were twenty-four in number. No person was competent to be chosen as a Director who possessed less than £2,000 of the Company's stock; and of these Directors one was Chairman and another Deputy-Chairman presiding in the Courts. The Directors were chosen annually by the Proprietors in their General Court; and no Director could serve for more than a year, except by re-election. Four Courts of Proprietors, or General Courts, were held regularly each year, in the months of December, March, June, and September respectively. The Directors might summon Courts at other times as often as they saw cause, and were bound to summon Courts within ten days upon a requisition signed by any nine of the Proprietors qualified to vote. The Courts of Directors, of whom thirteen were required to constitute a Court, were held by appointment of the Directors themselves, as often, and at such times

new acquisitions were said to abound, insisted, in spite of the Company's heavy debts and the opposition of the Directors, on raising the dividend from 6 to 10 per cent. The public attention had been aroused by the colossal fortunes brought home by the servants of the Company, and by the rumours which had reached England regarding the means by which they had been accumulated. A strong feeling arose that some portion of the wealth believed to be involved in the gift of the Dewane should be diverted into the English Exchequer, and be made the means of relieving the British public of some of its financial burdens. Clive proposed that the Crown should take possession of the territorial acquisitions, and Chatham agreed with him that it was both the right and the duty of the Crown to take the Government of India under its direct control. He held that no subjects could acquire the sovereignty of any territory for themselves, but only for the nation to which they belonged. Soon after the formation of the Duke of Grafton's Administration—of which the Earl of Chatham, to whom the privy seal had been delivered, was declared Prime Minister—the Directors were informed that the affairs of the Company would probably be brought before Parliament, and on the 25th of November, 1766, Alderman Beckford* brought

and places, as they might deem expedient for the despatch of affairs. According to this constitution, the supreme power was vested in the Court of Proprietors. In the first place, they held the legislative power entire; all laws and regulations, all determinations of dividend, all grants of money, were made by the Court of Proprietors. To act under their ordinances and manage the business of routine was the department reserved for the Court of Directors. In the second place, the supreme power was assured to the Court of Proprietors, by the important power of displacing annually the persons whom they chose to act in their behalf. (Mill, *Hist. Brit. India*, vol. iii., pp. 2, 3.)

* Macaulay speaks of Beckford as "a noisy, purse-proud, illiterate demagogue, whose Cockney English and scraps of mispronounced

Parliamentary
Committee
appointed
to inquire
into the
state of
the Com-
pany's
revenue.

forward a motion for inquiry into the affairs of the East India Company on a future day and in a Committee of the whole House. The motion was carried, and a Committee was appointed to inquire into and publish the state of the Company's revenue and other affairs, its relation to the Indian princes, and the correspondence of the Company with its servants. The confidential correspondence was, however, exempted from publication. Evidence was taken, and numerous debates followed. The Cabinet was divided on the subject, and the Rockingham section of the Whigs maintained the sole right of the Company, under the terms of its charters, to the Government and revenues. Burke, the most prominent member of the party, was then a fervent supporter of the rights of the Company. Government and the Company, he considered, were "as equal dealers on the footing of mutual advantage." The public had derived great benefit from such dealings; but "the Ministry, instead of listening to the "new proposals of that Company, chose to set up a "claim of the Crown to their possessions." And Burke, who in after-years was never weary of slandering the Company and its servants, was shocked that "the "East India Company was to be covered with infamy "and disgrace." Lord Chatham, incapacitated by illness from attending to public affairs, was unable to carry the great measure which his genius foreshadowed—the transfer of the territorial sovereignty to the Crown; and the Company came to a compromise by

"Latin were the jests of the newspapers." Lord Mahon writes: "Beckford was a man of neglected education, noted in the House of Commons for his loud tones and faulty Latin, but upright and fearless, and ever prompt and ready; of much commercial weight "and especial popularity in the City of London, which he represented in Parliament" (*History of England from the Peace of Utrecht*, vol. v., p. 264).

agreeing to pay for two years from February 1st, 1767, an annual sum of £400,000, "in respect of the territorial acquisitions and revenues lately obtained in "the East Indies." An Act was also passed the same year (1767) forbidding the Company to declare any dividend in excess of 10 per cent. per annum until the next session of Parliament. Thus Parliament claimed the right to control and command both the territorial acquisitions and revenues of the country.

Hastings had been summoned to give evidence before the Committee, and the clear and strong view he expressed on Indian affairs won for him both the regard and gratitude of his old masters. He had spent and lost the scanty fortune which he had brought home, and was desirous of returning to India. His application to be restored to the service of the Company was favourably received, and in 1768 the Court of Directors announced to the Madras Government the appointment of Hastings to be second in Council in these handsome terms: "Mr. Warren Hastings, a "gentleman who has served us many years upon the "Bengal establishment with great ability and un- "blemished character, offering himself to be employed "again in our service, we have, from a consideration "of his just merits, and general knowledge of the "Company's affairs, been induced to appoint him one "of the Members of our Council at your presidency "and to station him next below Mr. Du Pré."

Hastings
appointed
member of
the Madras
Council,
1768.

At Madras Hastings displayed such zeal and ability that he was selected by the Court of Directors to take charge of the Government of Bengal, which at that time was the highest situation in the service of the Company, and was specially in need of a strong man. The double government established by Clive, by which the internal administration of the country had been

Government of
Bengal,
1772.

placed in the hands of natives under the control of a few European supervisors, had proved a failure. The people grew poorer day by day and the native functionaries and zemindars richer. To remedy the evil, the Court of Directors determined to place the internal administration of Bengal and the collection of the revenue directly under their own European servants. They henceforward determined, to use their own words, "to start forth as Duan."* At that time the head of the native administration of Bengal was Mahomed Reza Khan, the Nawab or Deputy Nawab of Bengal, resident at Moorshedabad, and the head of the native administration of Behar was Shitab Roy, the Deputy Nawab of Behar, resident of Patna. The first task imposed upon Warren Hastings when he took his seat as President of the Council on the 28th of April, 1772, was to inform the Board that in consequence of orders received from the Secret Committee "he has sent

"instructions to Mr. Middleton to arrest the persons
 "of Mahomed Reza Khan and Raja Amrit Sing, his
 "Dewan, and to send them under a guard to Calcutta;
 "that he has received advice from Mr. Middleton, that
 "the same has accordingly been put in execution." A discussion then ensued as to the manner in which Reza Khan should be received on his arrival at Calcutta, and it was resolved by the majority of the Board

Arrest of
 Mahomed
 Reza
 Khan.

* *Dewan*. The chief meanings of the word in Anglo-Indian usage are: (1) Under the Mahomedan Government which preceded us "the head financial Minister, whether of the State or a province . . . charged, in the latter, with the collection of the revenue, the remittance of it to the Imperial Treasury, and invested with extensive judicial powers in all civil and financial causes" (Wilson, *A Glossary of Judicial and Revenue Terms*). It was in this sense that the grant of the *Dewanny* to the East India Company in 1765 became the foundation of the British Empire in India. (2) The Prime Minister of a native State (*Hobson Jobson*, by Colonel Henry Yule and A. C. Burnell).

“that one of the Members be sent to intimate to him
“the cause of his seizure, and to inform His Excellency
“of the points on which the Honourable Company
“express their displeasure, and that they look to us
“to obtain satisfaction from him for the injuries which
“they conceive their affairs to have sustained by his
“mismanagement and corrupt administration.”* —
Hastings protested against the decision of the majority,
on the ground, “that any public show of respect to
“Mahomed Reza Khan in his present circumstances
“will be inconsistent with the restraint which has
“been imposed upon him, and may counteract the end
“intended by it, in creating an opinion in the minds
“of the public that his power is but suspended, and
“thereby discouraging those who may have complaints
“to prefer against him by the fear of their falling
“hereafter under the effects of his resentment. He
“also thinks it very unbecoming the character and
“dignity of a member of this administration to be
“employed on a public deputation to a man who stands
“accused by the Court of Directors themselves of the
“most criminal conduct.”†

A further conflict arose between Hastings and his colleagues as to the arrangements which he proposed should be made consequent on the deposition of Mahomed Reza Khan. Hastings proposed that Munny Begum, the widow of the Nawab Meer Jaffir, whom Clive had placed on the throne of Bengal, should be made superintendent of the titular Nawab's household, and, as he was a minor, guardian of his person, and that Raja Goordas, the son of Nundcoomar, should assist her as Dewan. To the latter appointment a majority of the Committee objected on account of the notoriously

* *Secret Select Committee's Proceedings*, 28th April, 1772, vol. i., p. 3.

† *Ibid.*, p. 5.

bad character of the father, but they were not aware of the fact that in making the appointment Hastings was merely giving effect to a suggestion from the Court of Directors themselves that Nundcoomar's services should be acquired and encouraged.* In a letter to the Court, he states: "You directed 'that
" 'if the assistance and information of Nundcoomar
" 'should be serviceable to me in my investigating the
" 'conduct of Mahomed Reza Khan, I should yield
" 'him such encouragements and reward as his trouble
" 'and the extent of his services may deserve.'* There
" is no doubt that Nundcoomar is capable of affording
" me great services by his information and advice; but
" it is on his abilities, and on the activity of his
" ambition and hatred to Mahomed Reza Khan, that I
" depend for investigating the conduct of the latter
" and, by eradicating his influence, for confirming the
" authority which you have assumed in the adminis-
" tration of the affairs of this country. The reward
" which has been assigned him will put it fully in his
" power to answer those expectations, and will be an
" encouragement to him to exert all his abilities for
" the accomplishment of them. Had I not been
" guarded by the caution which you have been pleased
" to enjoin me, yet my own knowledge of the character
" of Nundcoomar would have restrained me from yield-
" ing him any trust or anything which could prove
" detrimental to the Company's interests."† He
further adds: "I hope I shall not appear to assume
" too much importance in speaking thus much of
" myself in justification of the motives which led to
" his recommendation; that I had no connexion with
" Nundcoomar or his family prior to the receipt of

* Gleig, *Memoirs of Warren Hastings*, vol. i., p. 250.

† *Ibid.*, p. 251.

“your letter by the *Lapwing*; that on the contrary,
“from the year 1759 to the time when I left Bengal
“in 1764, I was engaged in a continued opposition to
“the interests and designs of that man, because I
“judged him to be adverse to the welfare of my
“employers; and in the course of this contention I
“received sufficient indications of his ill-will to have
“made me an irreconcilable enemy if I could suffer my
“passions to supersede the duty which I owe to the
“Company.”* Writing to a friend, Hastings states :
“The man never was a favourite of mine, and was
“engaged in doing me many ill offices for seven years
“together.” But that Hastings could take an im-
partial view of the conduct of a bitter foe, is apparent
from the minute which he wrote regarding Nund-
coomar. He tells his colleagues that he “does not
“take upon himself to vindicate the moral character
“of Nundcoomar,” but “nevertheless he thinks it but
“justice to make a distinction between the violation
“of a *trust* and an offence committed against our
“Government by a man who owed it no allegiance,
“nor was indebted to it for protection, but on the
“contrary was the actual servant and minister of a
“master whose interest naturally suggested that kind
“of policy which sought by foreign aids and the diminu-
“tion of the powers of the Company to raise his
“own consequence and to re-establish his authority.”
Hastings proceeded to point out that Nundcoomar had
never been charged with any instance of infidelity to
the Sovereign to whom he owed allegiance. He added
that the high opinion which the Nawab Meer Jaffir
himself entertained of the fidelity of Nundcoomar
evidently appeared in the distinguished marks which
he continued to show him of his favour and confidence

* Gleig, *Memoirs of Warren Hastings*, vol. i., p. 262.

to the latest hour of his life. "His conduct in the "succeeding administration appears not only to have "been dictated by the same principles, but if we may "be allowed to speak favourably of any measures "which opposed the view of our Government and "aimed at the support of an adverse interest, surely "it was not only not culpable but even praiseworthy. "He endeavoured (as appears by the extracts before "us) to give consequence to his master, and to pave "the way to his independence by obtaining a firman "from the King for his appointment to the Subah-
"ship,* and he opposed the promotion of Mahomed "Reza Khan because he looked upon it as a super-
"session of the rights and authority of the Nawab. "He is now an absolute dependent and subject of the "Company on whose favour he must rest all his hopes "of future advancement."†

The Court of Directors expressed their approval of the course which Hastings adopted in the following terms: "Your choice of the Begum for guardian to "the Nawab we entirely approve;‡ the use you intend

* *Souba, Soobah* (Hind., from Pers. *sāba*). A large division or province of the Mogul Empire—*e.g.*, the Subah of the Deccan, the Subah of Bengal (*Hobson Jobson*, by Colonel Henry Yule and A. C. Burnell).

† *Secret Select Committee's Proceedings*, 6th August, 1772, vol. i., pp. 23, 24.

‡ Burke in one of his speeches describes Munny Begum with characteristic ferocity: "But when I call this woman a dancing-girl, "I state something lower than Europeans have an idea of respecting "that situation. She was born a slave, bred a dancing-girl. Her "dancing was not any of those noble and majestic movements which "make part of the entertainment of the most wise, of the education "of the most virtuous, which improve the manners without cor-
"rupting the morals of all civilized people, and of which, among "uncivilized people, the professors have their due share of admira-
"tion; but these dances were not decent to be seen, nor fit to be "related. I shall pass them by. Your Lordships are to suppose "the lowest degree of infamy and occupation and situation when I "tell you that Munny Begum was a slave and dancing-girl"

“making of Nundcoomar is very proper, and it affords
“us great satisfaction to find that you could at once
“determine to suppress all personal resentment when
“the public welfare seemed to clash with your private
“sentiments relative to Nundcoomar.”* Mahomed
Reza Khan and Raja Shitab Roy were both after a
protracted trial acquitted of the charges brought
against them, but their respective offices were abolished
—a step which caused considerable annoyance and dis-
appointment to the ambitious Nundcoomar, who had
appeared as Reza Khan’s accuser “and displayed both
“the art and the inveterate rancour which distin-
“guished him.” “Nundcoomar,” writes Macaulay,
“had proposed to destroy the Mussulman adminis-
“tration and to rise on its ruin. Both his malevolence
“and his cupidity had been disappointed. Hastings
“had made him a tool, had used him for the purpose
“of accomplishing the transfer of the government from
“Moorshedabad to Calcutta, from Native to European
“hands. The rival, the enemy, so long envied, so
“implacably persecuted, had been dismissed unhurt.
“The situation so long and ardently desired had been
“abolished. It was natural that the Governor should
“be from that time an object of the most intense
“hatred to the vindictive Brahmin. As yet, however,
“it was necessary to suppress such feelings. The time
“was coming when that long animosity was to end in
“a desperate and deadly struggle.”

Hastings saw that the time had come when the
Company must accept the responsibility of the govern-
ment of the kingdom which Clive had won for them in
the groves of Plassey. He wrote to the Directors :

(Burke, *Speeches on the Impeachment of Warren Hastings*, vol. i.,
p. 265).

* Gleig, *Memoirs of Warren Hastings*, vol. i., p. 257.

"You must establish your own power, or you must hold it dependent on a superior which I deem to be impossible." The first step which Hastings took towards the establishment of the power of the Company was the removal of the Revenue Office and the Superior Courts of Justice from Moorshedabad to Calcutta. "By these arrangements," he writes, "the whole power and government of the province will centre in Calcutta, which may now be considered as the capital of Bengal."* He also looked forward to the time when it should become "the first city in Asia."† Having converted Calcutta into the capital of Bengal, the question which immediately demanded the attention of Hastings was the settlement of the revenue. "It was late in the season; the lands had suffered unheard-of depopulation by the famine and mortality of 1769. The collections violently kept up to their former standard had added to the distress of the country, and threatened a general decay of the revenue unless immediate remedies were applied to prevent it." To remedy the existing state of affairs Hastings appointed a committee of which he was President, and they proceeded on a tour through the province.‡ "On the 3rd June," he writes, "I set out with the committee. We made the first visit to Kissennagur, the capital of Nuddea, and formed the settlement of that district, farming it in divisions for five years. We proceeded next to the city, where we arrived the last of the month. Here a variety of occupations detained me till the 15th of last month —two months and a half. This period was employed in settling the collections and the government of the

Hastings' reforms.

* Gleig, *Memoirs of Warren Hastings*, vol. i., p. 263.

† *Ibid.*, p. 285.

‡ Appendix A.

“districts dependent on Moorsshedabad, which were
 “large, very numerous, and intricate; in reducing the
 “Nawab's stipend from thirty-two lacs to sixteen, a
 “work which ought to have taken place in January
 “last; in reducing his pension list and other expenses;
 “in forming, recommending, and executing a new
 “arrangement of his household; and in framing a new
 “system for conducting the business of the Dewannee
 “or revenue.”*

When Bengal passed out of Mahomedan into English hands, the districts were divided into tracts called zemindaries. The chief authority in each of these tracts was called Zemindar, being the Persian word Zamīn-dār, landholder. But, though they possessed certain lands for the immediate support of themselves and family, they were rather in the position of contractors for land revenue than of owners of landed estates paying revenue to Government. “They were also contractors for the
 “general administration. They paid a certain sum by
 “way of excise revenue, and managed the excess within
 “these limits just as they pleased. They also handed
 “over to Government a certain sum as duties on in-
 “ternal trade, and were allowed in turn to make almost
 “any exactions they pleased on traders. The duties of
 “police were in their hands, and they had to keep up
 “police establishments.” A worse system of adminis-
 “tration could not be imagined. The Zemindars trans-
 “ferred the task of administration to subordinates.
 “Inferior officers employed in the collections were
 “permitted to establish a thousand modes of taxation.
 “Fines were levied at pleasure without regard to
 “justice; and while each felt in his turn the iron rod
 “of oppression, he redoubled these extortions on all
 “beneath him.” The Zemindar was responsible for

The
 adminis-
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 adminis-
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 justice.

loss of life and property; but they maintained no efficient police, and dacoits and robbers plied their profession with vigour. The dacoits were often in league with the police, and even with the Zemindar himself or his higher officers. As for the administration of justice, a contemporary authority states: "It is difficult to determine whether the original customs or the degenerate manners of the Mussulmans have most contributed to confound the principles of right and wrong in these provinces. Certain it is that almost every decision of theirs is a corrupt bargain with the highest bidder. The numerous offences which are compromised by fines have left a great latitude for unjust determinations. Trifling offenders and even many condemned on fictitious accusations, are frequently loaded with heavy demands, and capital criminals are as often absolved by the venal judge."

Such was the condition of Bengal when the English first attempted to cure the existing evils and to introduce the rudiments of a civilized government. In 1769, four years after the acquisition of the Dewane, British Supervisors were appointed to collect matter for "a summary history of the province," to investigate "the state, produce, and capacity of the lands," "the amount of the revenues, the cesses or arbitrary taxes, and of all demands whatever, which are made on the Ryot, either by Government, Zemeendar, or collector, with the manner of collecting them; and the gradual rise of every new impost." A hundred and thirty-nine years have passed since the instructions were issued, but the principles of administration laid down have not lost their vitality.

British Supervisors appointed to collect the revenue, 1769.

"Your Commission entrusts you with the superintendence and charge of a province whose rise and fall must considerably affect

“the public welfare of the whole. The exposing and eradicating
 “numberless oppressions which are as grievous to the poor as they
 “are injurious to the Government; the displaying of those national
 “principles of honour, faith, rectitude, and humility which should
 “ever characterize the name of an Englishman; the impressing the
 “lowest individual with these ideas, and raising the heart of the
 “Ryot from oppression and despondency to security and joy, are
 “the valuable benefits which must result to our nation from a
 “prudent and wise behaviour on your part. Versed as you are in
 “the language, depend on none where you yourself can possibly
 “hear and determine. Let access to you be easy, and be careful
 “of the conduct of your dependents. Aim at no undue influence
 “yourself, and check it in all others. Great share of integrity, dis-
 “interestedness, assiduity, and watchfulness is necessary, not only
 “for your own guidance, but as an example to all others, for
 “your activity and advice will be in vain unless confirmed by
 “example.”*

The British Supervisors were assisted in the practical executive work by native officials, and they acted under the control of two Provisional Councils at Moorshedabad and Patna. Warren Hastings had the Khalsa, or chief revenue office, removed from Moorshedabad to Calcutta, and so brought it under the direction of the Committee of Revenue. He also made the first attempt at direct collection, and the Supervisors became known by the present title of Collectors. A native officer chosen by the Committee of Revenue was joined with the Supervisor in the revenue administration. Tenders for the sum to be paid to the State were invited for each pargana, or fiscal division of a district, and a settlement for five years was concluded with the highest bidder, whether they were the previous Zemindars or not. When Zemindars were ousted, a subsistence allowance was granted to them out of the revenue. In 1773-1774 the plan of having English collectors was discontinued, on the ground of expense, and native amils, or agents, were substituted,

* Form of instructions to be issued by the Resident at the Durbar to the several Supervisors, August 16th, 1769.

under the superintendence of six provincial Councils, composed of the Company's British servants at Calcutta, Bardwan, Dacca, Moorshedabad, Dinagepore and Patna.*

Civil and
Criminal
Courts
estab-
lished.

It was impossible to place the revenue administration on a sound footing without a thorough reform in the administration of justice, and the first step Hastings took towards accomplishing a reform was the establishment of a Criminal and Civil Court in every district. "The first consisted entirely of Mahomedans, "and the latter of the principal officers of the revenue, "assisted by the judges of the criminal courts, and "by the most learned pundits (or professors of Hindu "law), in cases which depended on the peculiar usages "or institutions of either faith. These courts were "made dependent on two supreme courts which were "established in the city of Calcutta, one for ultimate "reference in capital cases, the other for appeals."† To give the people confidence in the new courts, and to enable the new tribunals to decide with certainty and despatch, Hastings caused a digest of the Hindu law to be prepared by ten of the most learned pundits in the province. He writes to Lord Mansfield: "This "code they have written in their own language, the "Sanskrit. A translation of it is begun under the "inspection of one of their body into the Persian "language, and from that into English. The two first "chapters I have now the honour to present to your "Lordship with this, as a proof that the inhabitants "of this land are not in the savage state in which they "have been unfairly represented, and as a specimen of "the principles which constitute the rights of property "among them."

* "Tipperah and Chittagong remained under their own Chief," Hunter, *Bengal MS. Records*, vol. i., p. 19.

† Gleig, *Memoirs of Warren Hastings*, vol. i., p. 401.

Hastings recognized the economic principle which Adam Smith put forward a few years later, that the first interest of the Sovereign of a people is that their wealth should increase as much as possible; and he was particularly impressed with the necessity for its application to a country like Bengal, where the revenue is chiefly derived from the land rent. When he became Governor, the foreign and domestic trade of the province had almost perished on account of the revival of the old trade abuses which Clive had destroyed. A chief part of the revenues consisted of duties imposed on the transit of goods, but the servants of the Company exempted themselves from paying them. Hastings formed a new plan for collecting the customs. He wrote: "It is simple, calculated for the freedom of trade, and liable to no abuses. All the petty chokeys* of the country are withdrawn, and the distinction of the dustuck,† which (among other objections) pointed out to the rogues in office what boats they were to pass unmolested and what they might plunder with impunity, is abolished. The duty is fixed at 2½ per cent., the prices of every article fixed and made public; and the duty paid, the goods pass unmolested to the extremities of the province."‡ The servants of the Company had

* *Chauki-Chaukee*, corruptly *Chowky-Choky*, *Chokee*, etc., the act of watching or guarding property, etc., station of police or of custom, a guard, a watch, or the post where they are placed (Wilson, *Glossary of Indian Terms*).

† *Dastak*, *Dustuk*, corruptly *Dustuck*, etc., H. (from P. *dast*, the hand, the signature), a passport, a permit. In the early days of the British Government, a document authorizing the free transit of certain goods and their exemption from Custom dues in favour of English traders. In later times it applies more generally to a summons, a writ or warrant; especially to a process served on a revenue defaulter, to compel him to pay any balance that may be due (Wilson, *Glossary of Indian Terms*).

‡ Gleig, *Memoirs of Warren Hastings*, vol. i., p. 304.

monopolized the trade to the ruin of the native traders and thousands of poor weavers.* Hastings determined therefore to establish the system of ready money purchases; and to declare the weavers free to work "for whom they will and to support them in that "freedom." He wrote to a friend: "The Company "and their collectors and chiefs of factories are the "only merchants of the country; they force advances "of money on the weavers, and compel them to give "cloths, in return, at an arbitrary valuation, which is "often no more than the cost of the materials, so that "the poor weaver only lives by running in debt to his "employers, and thus becomes their slave for life. "The collectors trade with the money which they get "in the districts, which affects the circulation as well "as commerce of the country. By the mode proposed "the investment will be dearer, but the trade of the "country will be restored, and indeed this country has

* "A number of these weavers are generally also registered in "the books of the Company's gomastahs, thus not permitted to work "for any others; being transferred from one to another as so many "slaves subject to the tyranny and roguery of every succeeding "gomastah. The cloth, when made, is collected in a warehouse for "the purpose, called a khattah, where it is kept marked with the "weaver's name, till it is convenient for the gomastah to hold a "khattah, as the term is, for assorting and fixing the price of each "piece: on which business is employed an officer called the "Company's jachendar or assorter. The roguery practised in this "department is beyond imagination, but all terminates in the "defrauding of the poor weaver, for the prices which the Company's "gomastahs and, in confederacy with them, the jachendars fix upon "the goods are in all places at least 15 per cent. and in some even "40 per cent. less than the goods so manufactured would sell for in "the public bazaar, or market upon a free sale. The weaver, therefore, desirous of obtaining the just price of his labour, frequently "attempts to sell his cloth privately to others, particularly to the "Dutch and French gomastahs, who are always ready to receive it. "This occasions the English Company's gomastah to set his peons "over the weaver to watch him, and not unfrequently to cut the "piece out of the loom when nearly finished" (William Bolts, *Consideration of Indian Affairs*, London, 1722).

“wonderful resources for it. The remittances of the revenue will flow back in circulation, and in their customs or collections the Company will obtain an ample compensation for the difference which it will make in the price of their cloths. If they do not, they can better afford to pay dear for them than the Dutch or French can.”*

To preserve peace, Hastings informed the Court, was one of the great aims of his administration, and like all far-seeing statesmen he realized the fact that an efficient army was the best method of maintaining it. Owing to the weakness which seized the Moghul Empire after the death of Aurungzebe, India had become the prey not only of the Jat and the Mahratta, but of desperate adventurers of every race and sect. Bengal had been repeatedly devastated by bands of fanatics called Senassies.† Hastings acted against them with vigour, and after some hard fighting they were driven across the borders. He also determined to relieve the province of Cooch Behar from the grasp of the Bhooteas. The task proved a difficult one. The Bhooteas, strong hardy mountaineers, fought with valour. They made

* Gleig, *Memoirs of Warren Hastings*, vol. i., p. 305.

† “The history of this people is curious. They inhabit, or rather possess, the country lying south of the hills of Tibbet from Cabul to China. They go mostly naked. They have neither towns, houses, nor families, but rove continually from place to place, recruiting their numbers with the healthiest children they can steal in the countries through which they pass. Thus they are the stoutest and most active men in India. Many are merchants. They are all pilgrims, and held by all castes of Gentoos in great veneration. This infatuation prevents our obtaining any intelligence of their motions, or aid from the country against them, notwithstanding very rigid orders which have been published for these purposes, insomuch that they often appear in the heart of the province as if they dropped from heaven. They are hardy, bold, and enthusiastic to a degree surpassing credit. Such are the Senassies, the gipsies of Hindostan” (Gleig, *Memoirs of Warren Hastings*, vol. i., p. 303).

a desperate defence of the fort of Cooch Behar, which Captain Jones stormed and took with the loss of nearly one-fourth of his detachment killed and wounded. He writes: "I have lost a good many sepoys and many "more wounded. Lieutenant Dickson is wounded in "the breast and knees. I have received a ball through "my right arm. The sepoys behaved extremely well. "I cannot sufficiently praise the bravery and resolution "of the officers under my command."* After some further fighting the Bhooteas were expelled and orderly government introduced into the district of Cooch Behar.

Hastings' foreign policy.

After introducing reforms into every branch of the administration and establishing peace and order in the province, Warren Hastings turned his attention to foreign affairs. England was then in a situation, with regard to the Native powers, very different from that which she held at the close of Hastings' splendid administration. Regarded with jealousy and suspicion by all, she was held in respect by none. She had bound herself by treaty to pay tribute to the Great Moghul, and she had made over to him the provinces of Corah and Allahabad in order that he might gather means to support the dignity of a crown whose splendour had once filled with amazement travellers from all quarters of the globe. But the Great Moghul had become only a tool in the hands of the Mahrattas, and to them he was compelled to transfer the provinces given to him by the English. Hastings saw that the presence of these marauders at our gate was a grave and menacing danger. Peace and prosperity in our own territory were an impossibility. He acted with his usual promptness and courage. He determined to pay no more tribute to a sovereign who was incapable

* *Secret Select Committee's Proceedings*, 17th February, 1773, vol. i., p. 29.

of affording the English frontier protection. He also determined to restore the provinces of Corah and Allahabad to the Vizier of Oudh* from whom they had been taken by Clive. James Mill in his *History of India* writes : "The choice lay between preserving them for the Emperor and making them over to the Vizier. Generosity, had it any place in such arrangements, pleaded with almost unexampled strength in behalf of the forlorn Emperor, the nominal sovereign of so vast an Empire, the representative of so illustrious a race, who now possessed hardly a roof to protect him. Justice too, or something not easily distinguished from justice, spoke on the same side : considering that, in the first place, the Emperor had a right to the provinces, both by his quality of sovereign of India, and also by the peculiar concession and grant of the English Company, if not in express terms for, most certainly in consideration of, his not absolutely necessary but highly useful grant of the Dewanee of the three great and opulent provinces of Bengal, Behar and Orissa ; and that, in the second place, he could not, by any fair construction, be deemed to have forfeited any right by the surrender of the provinces, an act which was in the highest degree involuntary and therefore not his own."† The choice lay not between preserving them for the Emperor and making them over to the Vizier, but between allowing them to remain in the hands of the Mahrattas or restoring them to the Vizier to whom they once belonged. The Emperor's right to them was purely titular, the same right which he possessed over the whole kingdom of Oudh, and this titular right he owed

* So called because Subadar (Viceroy) of Oudh and Wazir (Prime Minister) of the Empire.

† Mill, *History of India*, vol. iii., p. 397.

to the English. In the report which he laid before the Board regarding his negotiations with the Nawab Shuja-ud-daulah at Benares, whither he had gone in June 1773, Hastings writes as follows: "Had we "restored these districts to the King, who so lately "abandoned them, and who is confessedly unable by his "own strength to maintain them, we should still have "been burthened with the care of their defence, or we "should have given them only nominally to the King, "but in reality to the Mahrattas, the evil consequences "of which it is needless to enumerate."* Mill is not quite accurate when he states that the surrender of the provinces to the Mahrattas was "an act which was in "the highest degree involuntary and therefore not his "own." In spite of the advice of the Council in Calcutta, who warned him of the danger of such a movement, the Emperor threw himself into the arms of the Mahrattas and was by them installed on the throne of Delhi. But, whether the act was voluntary or involuntary, the possession of the provinces by the Mahrattas was incompatible with the safety of our dominion. Regarding the allegation that the Emperor was unable to protect them, Mill writes: "But it is "certainly true that the Emperor was not less able at "that time than he was at the time when they were "first bestowed upon him; or than he was at any "point of the time during which they had been left at "his hands."† When they were bestowed upon him the Mahrattas had not recovered from their crushing defeat at Panipat,‡ and had not equipped an army of

* *Secret Select Committee's Proceedings*, 4th October, 1773, vol. i., p. 50; Marshman, *History of India*, p. 172.

† Mill, *History of India*, vol. iii., p. 398.

‡ In 1758 Raghunath Rao, the brother of the Peshwa, the head of the great Mahratta Confederacy, a brave, rash man, full of ambition, brought the distant province of the Punjab under the Mahratta yoke. This raised the ire of the terrible Afghan Abdali,

fifty thousand horse and a large body of infantry, with a numerous artillery, to regain their footing and renew their spoliations. The Emperor was at that time, to use the words of Mill himself, "no better than "an instrument in the hands of the Mahrattas." Mill says: "That the English strengthened their barrier by "giving to a crude native Government a vast frontier "to defend, instead of combining against the Mahrattas "the forces of the Rohillas, the Emperor, and the "Vizier, will hardly be affirmed by those who reflect "how easily the balance among those persons might "have been trimmed, or who know the consequence of "the arrangement that was formed. For a sum of "money Corah and Allahabad were tendered to the "Vizier."* To combine the forces of the Rohillas, the Emperor, and the Vizier against the Mahrattas was an impossibility. All were jealous of the growing power of the English. The Emperor was now an instrument in the hands of the Mahrattas. An alliance between them and the Rohillas had already once been concluded, and negotiations were on foot for an alliance between them and the Vizier. All that Hastings could do was to make the alliance between the Vizier and the English as stable as possible, and it could only be made stable by making the power of the Vizier entirely dependent on English bayonets. As Hastings wrote

and he again invaded India to take vengeance on the Mahratta race. On the plains of Panipat, where Baber had won his Empire, and where the fate of India had frequently been decided, the Mahrattas, devout believers in Vishnu, and the Afghans, followers of the man of Mecca, met to settle once again the fate of India. At early dawn the battle began. The Mahrattas fought with desperate valour, but ere the sun had set their vast, splendid army had become a weltering mass of confusion, a mere rabble rout. Thousands of the vanquished fell on the field, and the great Mahratta leaders were numbered among the dead.

* Mill, *History of India*, vol. iii., p. 398.

to the Board: "By ceding them to the Vizier we
"strengthen our alliance with him, we make him more
"dependent upon us as he is more exposed to the
"hostilities of the Mahrattas; we render a junction
"between him and them, which has been sometimes
"apprehended, morally impossible, since their pre-
"tensions to Corah will be a constant source of
"animosity between them; we free ourselves from the
"expense and all the dangers attending either a remote
"property or a remote connection; we adhere literally
"to the limited system laid down by the Hon'ble Court
"of Directors; we are no longer under the necessity of
"exhausting the wealth of our own provinces in the
"pay and disbursements of our brigades employed at a
"distance beyond them; but by fixing the sum to be
"paid by the Vizier for their services at their whole
"expense, and by removing every possible cause for
"their passing our own borders, but at his requisition
"and for his defence, we provide effectually for the
"protection of our frontier, and reduce the expenses
"of our army even in employing it; and, lastly, we
"acquire a net sum of 50 lakhs of rupees most season-
"ably obtained for the relief of the Company's
"necessities, and the deficient circulation of the
"currency of the provinces." The plea put forward
by Mill that the Emperor deserved more generous
treatment on account of his having bestowed on the
English the Dewannee of Bengal, Behar and Orissa, is
met by the following remarks of Hastings: "What-
"ever policy suggested the first idea of the tribute,
"and whatever title he may be conceived to have had
"to the payment of it while he remained under our
"protection and united his fortune with ours, his late
"conduct has forfeited every claim to it, and made it
"even dangerous to allow it, even if the resources of

“Bengal and the exigencies of the Company could any
“longer admit of it. Our conduct towards him has
“certainly afforded matter of admiration to the whole
“people of Hindoostan, whether they construe it as the
“effect of a mistaken principle of duty, the just return
“of benefits received, or attribute it to some hidden
“cause. We have persevered with a fidelity unknown
“to them in an unshaken alliance to a pageant of our
“own creation, and lavished on him the wealth of this
“country which is its blood, although not one of his
“own natural subjects has ever afforded him the least
“pledge of voluntary obedience, although our con-
“stituents have been compelled to withhold the legal
“claims of our own sovereign, although we have
“loaded them with an accumulated debt of a crore
“and a half of rupees, almost the exact amount of the
“sums remitted for the use of a man who in return
“has ungratefully deserted and since headed armies
“against us. It is unjust to argue, in support of his
“pretensions on the Company, that the tribute is no
“more than a reasonable acknowledgment for the
“favour which they received from him in the grant of the
“Dewanee. They gave him all. They received nothing
“from him, but a presumptuous gift of what was not
“his to give, but what they had already acquired by
“their own power, the same power to which he was
“indebted for his crown, and even for his existence.”*

On the 24th June 1773 Hastings left Calcutta for Benares, where it was arranged he should have an interview with the Vizier of Oudh. Before his departure he had received letters from him complaining of the treachery and breach of faith of the Rohilla chiefs, and expressing a desire to invade

Rohil-
cund.

* *Secret Select Committee's Proceedings*, 4th October, 1773, vol. i., p. 51.

and conquer their country. The situation of the Rohilla country which the Vizier proposed to conquer is described by Hastings as follows: "It lies open to the south. It is bounded on the west by the Ganges, and on the north and east by the mountains of Tartary. It is to the province of Oudh, in respect both to its geographical and political relation, exactly what Scotland was to England before the reign of Queen Elizabeth."* In the earliest times the country bore the name of Kather, and was peopled by a highly civilized Aryan race. In 1290 it was brought into subjection to the Mussulman rule, and in the days of the Great Moghul emperors it was ruled by a succession of Moghul governors appointed from Delhi. About 1673 two brothers, named Shah Alum and Hussein Khan, adventurers from Afghanistan, settled in Kather† and obtained some small employments under the officers of the Moghul Government, but neither of them adopted the country as a permanent residence. Hussein Khan had a slave, Daud Khan, who, when his master returned to Afghanistan, was permitted to proceed to India to seek his fortune. Daud Khan was a man endowed with considerable military skill and bravery, and he quickly got around him a numerous band of Afghan followers. For the good service he rendered the Emperor in defeating a body of Mahrattas he was granted a small district. The adventurer rewarded the Emperor's generosity by taking service with the Raja of Kumaon, who was at war with the empire. The Raja, however, having grown suspicious of the fidelity of Daud, invited him to a friendly meeting, made him a prisoner, and killed him by

* Gleig, *Memoirs of Warren Hastings*, vol. i., p. 358.

† Kather, shortly speaking, is the name of the north-eastern portion of the modern Rohilcund lying beyond the Ramganga.

cutting off his feet and extracting the sinews from the stumps. Daud's adopted son at once took possession of his estates and placed himself at the head of his forces. He was at the time only a lad of fourteen years, but strength of character and ability compensated for lack of years. By birth he belonged to the Jat caste, but the Afghan adventurer during one of his campaigns finding him amongst some of his prisoners took a fancy to him, adopted him, made him a Mussulman and named him Ali Muhammad.* Ali Muhammad on his accession turned his attention to the extension of his dominion, and by his skill and courage soon made himself supreme throughout the Kather region, which henceforward was known by the name of Rohilcund, on account of the Afghans who followed the standard of Ali.† After enjoying for five years the

* This account of Ali's origin is, no doubt, extremely distasteful to the Pathans themselves. That their hero should have been born of a by no means exalted Hindu caste, that he should have been a captive taken in petty war, and adopted son of a slave, grates on their feelings. They prefer to consider him the son of Shah Alum. But that he was what we have here described him is shown by the best contemporary authority, as well as by a common saying of the Hindus themselves :

“Aise se aise dekho Parbhu ke thāt,
 “Aonla kā rāja bhayo Bakauli ka Jat.”
 “See from God's will what mighty changes spring,
 “Bakauli's Jat became great Aonla's King.”

Gazetteer, N.-W.P. : vol. v., Rohilcund.

Hamilton, in his *History of the Rohilla Afghans*, published in 1788, writes: “Some accounts have said that Ali Muhammad was ‘not the son of Daud, but by birth a Hindu, and adopted by him. This, however, is not only an incongruity (as a Hindu is seldom or ‘never known to be adopted by a Mussulman), but is, moreover, ‘altogether unsupported in the original Persian manuscript, where ‘he is positively mentioned as Daud's second son.”

† “The Rohillas or Ruhilas were Pathans, that is to say, men of ‘Afghan or Baluchi extraction. Their name is said to mean, in ‘some transmontane language, *hillmen*. Why it should have been ‘applied to the Pathans of what is now called Rohileund, rather

almost undisputed sovereignty of Rohilcund, Ali Muhammad was besieged in the fortress of Bangarh, forced to surrender, and carried a prisoner to Delhi. He had only been six months a prisoner when some five or six thousand Pathans appeared before the palace at Delhi and demanded his surrender. The capital being bare of troops, the Emperor was compelled to yield. He appointed Ali to the governorship of a district north of Delhi, but kept two of his sons as hostages. Shortly after this Ahmed Khan, the Chief of the Abdalies, who, after the death of Nadir Shah,

"than to other adventurers of similar origin, it is difficult to say" (*Gazetteer, N.-W.P.* : vol. v., Rohilcund).

Mill, in vol. ii., p. 326, in a note, writes as follows : " This district, " which gave its name to the Rohillas, a people considerable in the " history of British India, is said by Major Stewart, on his Persian " authorities, to have been the original seat of the Afghans, whose " mountainous country (Roh signifies a mountainous country; and " Rohillas, mountaineers or highlanders) extended, according to the " same authority, in length from Sewad and Bijore to the town of " Sui, in Bukharest, and in breadth from Hussin to Rabul " (Stewart, *Bengal*, p. 127)

Mr. Horace Hayman Wilson, in commenting on this passage, writes : " There is some curious blundering either by Stewart or the " authorities he has followed in these statements ; and if the latter, " it is extraordinary that he should have cited them without correc- " tion. What contiguity could Bukharest possibly have to any part " of the Afghan country, and where are Hussin and Rabul ? Ferishta " furnishes a more accurate version. Roh extends in length, he says, " from Sewad and Bijore to Sui, in the district of Bhukkur, and in " breadth from Husun Abdal to Kabul. According to him, Roh " means mountain in the Afghan language, but no such term occurs " in the list of Pushtu words collected by Mr. Elphinstone, nor in a " Pushtu vocabulary compiled by Mohabbet Khan, of which a manu- " script is in the library of the East India Company ; Roh is there " explained to be the name of an extensive country intermediate " between Iran and Turan, bounded on the north by Kashkur, on " the south by Baluchistan, on the west by Herat, and Kashmir on " the east, being, in fact, the country of the Afghans. It may be " doubted if this description is very accurate ; Roh seems to offer " traces of the older appellation of a district of more limited extent, " or Arachosia. A town called Roh-kaj is noticed by Ibn Haki not " far from Ghizni."—W.

had united the Afghan states into one monarchy, invaded India. Ali took advantage of the embarrassment of the empire to march into Rohilcund and re-establish his sway over his own dominion; and when in the same year a new emperor mounted the imperial throne he procured an imperial firman conferring on him almost the whole of Rohilcund. He was busy establishing his authority on a firm basis when he was struck with a mortal illness. His elder sons were captives in Afghanistan, his younger sons were too young to take an active part in the administration. Summoning his chiefs around him, Ali named his third son his successor as long as his elder brothers did not return, and appointed Rahmat Khan, the son of Shah Alum, to be protector or regent. He was to be assisted in the task of government by three principal chiefs. All swore on the Koran to be faithful to the interests of Ali's children, and all betrayed their trust. The territory was divided among the children and chiefs, and Rahmat took the most important portion and became head of the Rohilla confederacy.

Hafiz
Rahmat
Khan.

When war broke out between the English and the Vizier of Oudh, Shuja-ud-daulah sought the aid of the Rohillas, and the son of Rahmat Khan was despatched with six thousand men to assist him. He was present at the battle of Patna, when the Vizier's army was compelled to retire to Buxar. After the decisive victory of Buxar, Shuja-ud-daulah again sought the aid of Rahmat Khan to check the advance of the English. He joined the Vizier with three thousand men, and the two allies were in May 1765 defeated by General Carnac at Kura. Six years after this the Mahrattas invaded Rohilcund and plundered and destroyed all before them. The Rohilla chiefs retired into the dense forests of the Terai, where they remained inactive in

Mahrattas
invade
Rohil-
cund.

Treaty
between
the Vizier
and the
Rohilla
sardars.

their intrenchments for four months. The Vizier, fearing that the Mahrattas might invade his territory, advanced with some English battalions under the command of General Sir Robert Barker, the Commander-in-Chief of the Bengal Army, to the borders of Oudh. Negotiations were opened with the Rohilla chiefs regarding the measures to be taken for the expulsion of the Mahrattas from Rohilcund. Hafiz Rahmat visited the camp of Shuja-ud-daulah, and a treaty between the Vizier and himself on the part of the Rohilla sardars was agreed upon. To give greater validity and effect to the treaty in the minds of the contracting parties, it was executed and sworn to in the presence of the English Commander-in-Chief and countersigned by him (June 1772). It would be difficult to construct a document more simple and explicit. The Vizier undertook "*either by peace or war*" to drive the Mahrattas out of Rohilcund, and to do so again if they again invaded the land after the "rainy season." In return the Rohilla sardars promised to pay the Vizier within a little over three years forty lakhs of rupees. The Mahrattas shortly after withdrew and the Rohillas emerged from their mountain fastness.*

The treaty was signed in June; and in November, when the floods of the rainy season had subsided, the Mahrattas again advanced towards the Ganges with the intention of invading Rohilcund. It was known that Rohilcund was only regarded by them as the most accessible highway to Oudh, and an English brigade at the request of the Vizier occupied his kingdom. When news arrived that the Mahrattas were approaching Ramghat where the Ganges could easily be crossed, the Oudh and English troops marched to the borders

* Hamilton, *History of the Rohilla Afghans*.

of Rohilcund to check their advance, and surprised the Mahrattas just as they were on the point of crossing the river, at a ford five miles from Ramghat. Marching up the river, they found a large body of the enemy encamped on the other bank, who opened fire upon them with their heavy guns. The fire of the Mahrattas was quickly silenced, and with some haste they removed their camp to safer ground. The English crossed in pursuit, but the chase was fruitless. On their return they found that Rahmat Khan had joined the Vizier. He had, in order to avoid paying the subsidy, been making overtures to the Mahrattas, but finding that, owing to the rapid and victorious movements of the English, treachery and procrastination were no longer possible, he joined Shuja-ud-daulah. On the English fell the task of checking the further advance of the Mahrattas and driving them from Rohilcund.* Shortly after they had been compelled

* Intelligence of these movements quickened the action of the allies, and an English detachment was with all speed sent to check the further passage of the Mahrattas. A body of about 4,000 Mahratta horse were surprised in the act of crossing by a ferry some five miles below Ramghat; but on the appearance of the hostile force they retreated scatheless to the southern bank, and the English pursued their march up the river to Asadpur, thereby separating the division of Besaji from that of Holkar, which, as already mentioned, had started for the Moradabad district. On arriving at the bank of the Ganges near Asadpur, the British were assailed by a cannonade from the Mahratta artillery across the river. But our guns replied with such effect that those of the enemy were silenced, and the Mahrattas with some precipitation removed their camp to safer ground. On the following day Rahmat, finding further procrastination impossible, joined Sujah-ul-Dowlah. It was now arranged that the English should account for the Mahrattas under Besaji, while the combined armies of Sujah-ul-Dowlah and the Rohillas should pursue the force of Holkar. Sir Robert Barker's brigade crossed the Ganges at Ramghat, but Besaji avoided an action, and decamped with such speed that the English were able to recross over into the Budaun district on the following day.

Here they found that, owing to mutual suspicion, and perhaps to some quarrel about the subsidy, Sujah-ul-Dowlah and Hafiz Rahmat

by the united armies to retire beyond the borders of Rohilcund news reached them of disturbances at Poona, and the main body marched to the capital of the Deccan.

The Vizier now demanded from the Rohillas payment of the sum due under the treaty, but they shuffled and hesitated till at length Shuja-ud-daulah determined to take possession of their country as a recompense for their breach of faith. At the interview which took place at Benares, the Vizier had broached this matter to Hastings, who makes the following mention of it in his report to the Board: "The Vizier," he writes, "was at first very desirous of the assistance "of an English force to put him in possession of the "Rohilla country lying north of his dominions and east "of the Ganges. This has long been a favourite object "of his wishes, and you will recollect that the first "occasion of my late visit was furnished by a proposal of "this kind. He had certainly just grounds of resentment "against the chiefs of this nation, who had not only "failed in their engagements to pay him forty lakhs of "rupees for his protection against the Mahrattas, but "had actually supplied them with money when they "appeared in arms against him. He offered to make the "Company a consideration for this service of forty lakhs "of rupees besides the stipulated sum for the expenses "of our troops, but he afterwards laid aside this design, "fearing that it would disable him from fulfilling his "engagements for Corah and Allahabad. . . . The "measures to be pursued for his security on that quarter

had remained inactive. It was therefore left for General Barker to expel Holkar from Rohilcund, and, marching towards Sambhal, he performed that operation without the least opposition (1773) (*Gazetteer of Rohilcund—Budaun*, p. 113; Hamilton, *Rohillas*, pp. 194, 195).

“must therefore be determined by future occurrences.
 “I was pleased that he urged the scheme of this
 “expedition no further, as it would have led our troops
 “to a distance from our own borders which I would wish
 “ever to avoid, although there are powerful arguments
 “to recommend it.”*

Hafiz Rahmat Khan in his letter makes statements totally at variance with the treaty which he signed, and puts forward a palpable falsehood when he states that the English General and the Vizier sent envoys to him “desiring that I would enter into no terms with
 “the Mahrattas, and they would give me back my
 “engagement for forty lakhs of rupees, and do every-
 “thing both for my present and future security.”† He had the temerity to conclude as follows: “But at
 “length they left everything unfinished, and after
 “temporizing for a long time with the Mahrattas,
 “returned to their own homes, leaving me still a prey
 “to the Mahrattas. You are no doubt acquainted with
 “all these proceedings. It is a point which requires

* *Secret Select Committee's Proceedings*, 4th October, 1773, vol. i., p. 51.

Mill's remarks concerning Rahmat Khan's breach of faith are a characteristic example of his special pleading and inaccuracy: “The
 “unhappy Rohillas, it seems, procrastinated and evaded, with respect
 “to the demand which was now violently made upon them for pay-
 “ment of the formerly stipulated price of defence—a payment which
 “had not been earned, since they had never been defended; which
 “they were not able to pay, since their country had been repeatedly
 “ravaged and stript; of which the exaction was in reality a fraud,
 “since the return for it was never intended to be made; which it
 “was no wonder they were reluctant to pay to the man who was
 “impatient to assail them, and whom the use of their money would
 “only strengthen for their destruction.” Mill loses sight of the fact that by the terms of the treaty it was agreed that the payment should be made if the Mahrattas were driven out “either by peace
 “or war,” and that they were driven out by the Vizier through the assistance of the English.”

† *Secret Select Committee's Proceedings*, 4th October, 1773, vol. i., p. 60.

“justice and consideration.”* The Nawab with much greater justice accuses Rahmat Khan of breach of faith and treachery. He writes: “I also called to me “Hafiz Rahmat Khan and the others who had taken “protection under the hills, and replaced them on their “former footing in the possession of their country. “My friend General Barker is well acquainted with “these circumstances, in whose presence they entered “into an engagement for the payment of forty lakhs “of rupees, and pledged their faith and religion for its “performance. In the sequel they did not remain “steady to this agreement, but in the height of the “rains, antecedent to every other person, Zabitta Khan “first went and connected himself with the Mahrattas, “and Hafiz Rahmat Khan sent the holy Koran, which “contains the religion of the Mussulmen, to the “Mahrattas as a token of his friendship. He also “gave them five lakhs of rupees and established a “friendship and good understanding with them. The “whole world are well acquainted that envoys from “Hafiz Rahmat were with the Mahrattas, and treated “with them in the above manner. Myself continuing “firm and steady to my engagements, I proceeded in “concert with the English troops from Fyzabad to the “assistance of the Rohillas, and arrived by successive “marches to Ramghat. I previously acquainted Hafiz “Rahmat Khan that he should make preparation, and “that I should shortly arrive and act in conjunction “with him. As Hafiz Rahmat Khan had entered into “intrigues with the Mahrattas, notwithstanding I was “near him, and the Mahrattas at a considerable “distance, he nevertheless under various pretensions “and evasions drew near the Mahratta army to such

* *Secret Select Committee's Proceedings*, 4th October, 1773, vol. i., p. 61.

“a degree that the morning when I arrived with the English forces and came upon the Mahrattas, Hafiz Rahmat Khan was within seven or eight coss of them, when from necessity only he came and waited on me. I am certain that if I had been four guries later with the English forces, he would have joined the Mahrattas and fallen upon me; and that only from my near approach he was compelled to come to me. Afterwards when the Mahrattas could not face the English forces and myself, and set out for the Deccan, Hafiz Rahmat Khan did not pay me a single daam on account of the agreement executed in presence of the General as aforementioned: nor did he treat me with that respect or present me with the customary presents, which are used amongst mankind as marks of friendship and hospitality.”*

Mill asserts that Hastings inserted the paragraph regarding the Rohillas in his report because, “with a view to the future, it was politic to explain that the Vizier showed at first a desire to obtain English assistance for the seizure of the Rohilla country; it was politic also to state the pretexts by which the expediency of that assistance might best appear to be established.” With regard to Hastings’ remark that he was pleased that the Vizier urged the scheme of the expedition no further as it would have led our troops to a distance, Mill writes: “Yet we have it from his pen that he ‘encouraged’ the Vizier to the enterprise as what promised to be of the greatest advantage to the Company.”† Mill also states that “It was agreed between him (the Nawab Vizier) and the President that whenever the time convenient for the extirpation

* *Secret Select Committee's Proceedings*, 4th October, 1773, vol. i., p. 61.

† Mill, *History of India*, vol. iii., p. 399.

“of the Rohillas should arrive, the assistance of the English should not be wanting,” and that “the agreement respecting the Rohillas which it had been settled between the President and Vizier might be conveniently kept out of the ostensible treaty was wholly suppressed.”*

charges brought by Mill against Hastings respecting his negotiations with the Vizier.

The charge brought by Mill that Hastings had withheld from his colleagues information regarding his negotiations with the Vizier, and that the agreement made by him with the Nawab respecting the Rohillas was kept out of the treaty, was answered by Hastings when it was first brought against him by Francis. “I found him” [the Vizier], he wrote to the Directors, “still equally bent on the design of reducing the Rohillas, which I encouraged, as I had before done, by dwelling on the advantages which he would derive from its success, but objecting with great force the orders of the Company restricting us from such remote schemes of conquest, to which therefore I could not assent without such conditions obtained in return for it as might obviate their displeasure and win their sanction to so hazardous and unauthorized a measure. I fear not to quote these expressions, addressing myself to fair and unbiassed judges who will not infer my real sentiments from the style and argument of a political negotiation.”† In commenting on a letter written by General Clavering, Mr. Monson, and Mr. Francis, Hastings wrote as follows :

“I have already observed that I informed Messrs. Lawrell, Vansittart, and Lambert, who were deputed with me by the Board, of every circumstance that passed during the whole course of the negotiation, but it was unnecessary that these circumstances should

* Mill, *History of India*, vol. iii., p. 399.

† *Secret Select Committee's Proceedings*, 8th December, 1774, vol. i., p. 143.

“be recorded, when they had become entirely foreign to the terms of the treaty. The Rohilla expedition *was laid aside*, or, more properly, it had not been adopted, for the Vizier's proposal on this subject had never been ratified. It is true an option remained with the Vizier to renew this subject, but an option also remained with the administration either to reject or assent to it. It so happened that he did renew the subject; but at the time of concluding the Benares treaty, it appeared probable to me that he would not renew it; and where was the occasion for loading our records with the particulars of transactions which had been voluntarily laid aside by the Vizier who was the interested party in them, especially as they had been unreservedly communicated by myself and the members who had been with me to the other members of the administration in private intercourse. If he had renewed the proposal, it was then time enough to enter upon a public discussion of this matter, when it became a measure of administration and was decided upon by them. This is precisely the case with the measure in question. Advantages were drawn from the Vizier's eagerness to pursue it which were happily retained by the Company, when the object of them had been struck out of the treaty. If he never had renewed it, these advantages would have remained with the Company; when he did renew it, I thought it but common justice to point out to the Board the concessions which this consideration had induced him to grant. There were no *positive engagements* entered into relative to this matter. It remained with the Board to determine what influence these circumstances should have in their decisions, and the question whether the Vizier should or should not be assisted in attacking the Rohillas remained *open and entire* for the decision of the Board. If these circumstances had some weight in the judgment of the Board, it does not follow that they were *positive engagements*. The word *secret* is next used, surely not for candid purposes, and is applied to my having withheld from the Court of Directors information respecting the Rohilla expedition, when I had no information to communicate to them, but that the expedition was laid aside.

“In the strictures which the gentlemen of the majority make upon past transactions, having a complete view of everything that has happened, they reason upon events respecting my conduct before they had taken place, and seem to condemn me for not having seen into futurity. When the Vizier, after being so eager to adopt the Rohilla expedition, all at once gave it up, although he had conceded part of the terms upon which it was to have been undertaken, it did not appear to me probable that he would have renewed the proposal, or that future circumstances not lying within the reach of human foresight would happen to recommend it; but the gentlemen of the majority, knowing that the Rohilla expedition was afterwards adopted, accuse me for not having entered into a full discussion and explanation of that subject, at a time

“when I had little reason to expect it would ever take place.
 “I certainly thought it possible, and this is the plain meaning of
 “the words used in my report upon the subject, viz., ‘that the
 “‘measures to be pursued for his security in that quarter must be
 “‘determined by future occurrences.’ That is, if the Rohilla would
 “pay the forty lakhs due from them and join in a scheme of defensive
 “alliance with the Vizier, the measure to be pursued for his security
 “in that quarter would be to afford the Rohillas protection. If, on
 “the contrary, they gave encouragement to the enemy or refused to
 “pay the forty lakhs, the measures to be pursued for his security in
 “that quarter would be to drive out the Rohillas and reduce the
 “country occupied by them within the line of his dominion.”*

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Hastings was both surprised and mortified to receive, shortly after his return to Calcutta, a letter from the Nawab stating, “I have now determined to take possession of the country on the Doab, which formerly belonged to the Rohillas and is now possessed by the Mahrattas. For this purpose I shall shortly despatch my army thither and shall also follow myself. Should I, therefore, have occasion for the assistance of the English forces to carry on my operations in that country, I desire to know what is your pleasure,—whether you will let me have those forces when I shall call for them, or you will not?”† A month later the Nawab wrote: “I have before written you several letters, which you may have received. I have now learnt that Hafiz Rahmat Khan and other sardars have intentions of taking possession of Etawah and the rest of the country belonging to the Mahrattas. I therefore write to inform you that if such is their intention, I will not put up with it, but shall undoubtedly undertake an expedition against them; for, in the first place, they have not made good a single daam of the forty lakhs of rupees, according to their agreement, and in the next they are now going

* *Secret Select Committee's Proceedings*, 16th January, 1775, vol. i., p. 178.

† *Ibid.*, 26th November, 1773, vol. i., p. 76.

“to take possession of another country. This I will
 “never submit to, and am therefore determined to
 “punish them. During our interview at Benares we
 “had some conversation on this subject, and it was
 “then agreed on that I should pay to the Company
 “the sum of forty lakhs of rupees after the expulsion
 “of the Rohillas, and $\text{Rs} 2,10,000$ monthly on account
 “of the English brigade during my operations in the
 “Rohilla country ; and that I should with the assistance
 “of the English forces endeavour to punish and
 “exterminate the Rohillas out of their country. If,
 “therefore, these terms are agreeable to you I desire to
 “know whether you will assist me with the English
 “forces, or you will not.”*

The Select Committee came to the conclusion “that
 “should the Vizier persist in his intentions with
 “respect to the Rohilla country, and determine to
 “prosecute the enterprise with steadiness to a con-
 “clusion, this Government, considering the strict
 “alliance and engagements which subsist between the
 “Company and Shuja-ud-daulah, and particularly what
 “passed between the Vizier and the President at the
 “conference at Benares, cannot on this occasion refuse
 “him support and assistance ; that the terms proposed
 “by the Vizier appear highly advantageous to the
 “Company, not only on account of the sum which is
 “ultimately stipulated as a consideration for this
 “service, but by immediately relieving them from the
 “heavy expense of a large part of their army. Pro-
 “vided, therefore, full assurance and security can be
 “obtained of the Vizier’s intention and ability to make
 “good the many payments which will in this event be
 “due to the Company. Resolved that the 2nd Brigade

The Select
 Committee
 agree to
 support
 the Vizier.

* *Secret Select Committee's Proceedings*, 26th November, 1773, vol. i.,
 p. 76.

"now quartered at Dinapore be ordered to march on the Vizier's requisition."*

The Committee also agreed that the President be requested to prepare an answer to the Vizier's letters. Hastings in the answer informed the Nawab that with respect to the Doab he was his own master to act in whatever manner he should deem most fitting for the advancement or security of his own affairs, but that the orders of the Company were peremptory that he should not suffer their arms to be carried beyond the line of their own boundary and those of His Excellency, their ally. "Concerning the country of the Rohillas," Hastings wrote, "whatever was formerly proposed at Benares, that I am now equally ready to agree to—" "that is, the brigade which is now at Dinapore shall march whenever you require it, to join you, and proceed with you into the country of the Rohillas, which lies north of your dominions, to assist you in the entire reduction of it; and Your Excellency, on your part, will supply them monthly with the stipulated sum of $\text{R}2,10,000$ for their expenses, and, whenever the country shall be so far conquered that you shall remain in possession of it, although the enemy may lurk in the hills and jungles, or a few refractory zemindars, as is usual, may withhold their allegiance, and Your Excellency shall dismiss the brigade; you will, on its departure, pay forty lakhs of rupees to the Company as a consideration for that service. To prevent future misunderstanding I have been thus explicit. I must beg leave further to add that if the expedition shall be once undertaken, it will be absolutely necessary to persevere in it, until it shall be accomplished; you will therefore reflect whether

* *Secret Select Committee's Proceedings*, 26th November, vol. i., 1773, p. 77.

“it will be in your power to make the above payments
 “punctually with others which are already due, and
 “whether you can resolve on going through with the
 “undertaking. If you are not certain of accomplishing
 “these necessary points, I must request that you will
 “suspend the execution of your undertaking till a
 “more favourable time.”*

Some doubts having arisen concerning the regularity of the issue by the Select Committee on their own sole authority of the order directing that the 2nd Brigade should march on the requisition of the Vizier, it was agreed that their proceedings together with Hastings' letter should be submitted to the whole Council. The President also laid before the Board a minute in which, after pointing out the greater probability of the Mahrattas and Rohillas joining in hostilities against the Vizier than that they should continue in war against one another, he discusses the advantage
 “which would result to the Vizier, the ally of the
 “Company, and to the Company itself, from his possession of that part of Rohilla which is the object of
 “the expedition now proposed.” “Our ally,” he writes,
 “would obtain by this acquisition a complete compact
 “state shut in effectually from foreign invasions by the
 “Ganges, all the way from the frontiers of Behar to
 “the mountains of Thibet, while he would remain
 “equally accessible to our forces from the above
 “provinces either for hostilities or protection. It
 “would give him wealth, of which we should partake,
 “and give him security without any dangerous increase
 “of power. It would undoubtedly, by bringing his
 “frontier nearer to the Mahrattas, to whom singly he
 “would be no match, render him more dependent on

* *Secret Select Committee's Proceedings.* 26th November 1780
 vol. i. p. 78

“us and cement the union more firmly between us. I
“must further declare that I regard as none of the
“most inconsiderable benefits to the Company from this
“measure, besides the forty lakhs held out to us, the
“easing them immediately of the burthen of one-third
“of their whole army, while at the same time it is
“employed usefully for their interests and conveniently
“for keeping up its own discipline and practice in war.”*

But though Hastings was convinced of the propriety of the expedition, he doubted its expediency at that particular time. He, however, confesses to the Board that he is greatly embarrassed in coming to a decision in consequence of what passed between the Vizier and himself at Benares. “The Board,” he writes, “will
“recollect that this very country was included in the
“line of defensive operations which they thought fit to
“adopt last year in support of the Vizier, and it is now
“necessary to acquaint them more fully that the
“Vizier at the interview did propose this expedition to
“me, and earnestly solicited my assistance. That I
“regarded this request as a lucky circumstance in the
“negotiation, and availing myself of it as the means of
“purchasing the Vizier’s compliance in the other
“measure which was the principal object of my com-
“mission, I consented to it, engaging to assist him in
“the enterprise on the conditions with which the
“Board are already acquainted. Afterwards, from
“a suspicion of his own ability to make good so many
“pecuniary engagements at once as those he had come
“under, he himself made the proposal for suspending
“the Rohilla expedition, but the condition which took
“its rise from it, *viz.*, that the future payment of the
“extra charges of the army sent at any time to his

* *Secret Select Committee’s Proceedings*, 26th November, 1773, vol. i., p. 80.

"assistance should be fixed at Rs.2,10,000 per month for
 "a brigade, was still allowed to be made an article of
 "the new treaty; and it was further agreed that the
 "stipulation for Corah, which I had before raised with
 "difficulty to forty-five lakhs of rupees, should now be
 "made fifty in consideration of his being exempted
 "from the additional burthen of the projected campaign
 "and better enabled to fulfil his other payments."*
 Hastings felt "that a direct refusal after what passed
 "would have an unfriendly aspect, and might admit of
 "the construction of artifice and insincerity in our
 "dealings with him," and for this reason, he informs
 the Board, "he had in the letter expressed consent to
 "the expedition in terms which, if he agrees to them,
 "are most likely to secure the advantages hoped from it,
 "but which are more likely to make him relinquish the
 "design." The Board concurred heartily with the
 President "in wishing to avoid the expedition pro-
 "posed; without entering into a discussion of the
 "propriety of such an enterprise on general principles,
 "the Board see in their full force all the circumstances
 "of doubt as to its present expediency which the
 "President has so clearly set forth, and they are also
 "sensible of the embarrassment which he lies under
 "from what passed on the subject between him and
 "the Vizier at Benares. They are equally solicitous
 "to save the honour of the Company and watch over
 "its interests, and for that reason they approve of the
 "letter now before them, which seems equally calculated
 "to save both. The conditions, if accepted, would
 "undoubtedly secure the greatest possible advantages
 "from such enterprise, but they appear to them more
 "calculated to drive the Vizier into a refusal, which is

* Secret Select Committee's Proceedings, 26th November 1772 -- 1

“ what they trust in, as its most probable and almost
 “ infallible consequence, and which they wish for as the
 “ proper result of this proposition in the present
 “ circumstances of affairs.”* The only member of the
 Board who did not concur in the above resolution
 was Sir Robert Barker, the Commander-in-Chief, who
 was at that time engaged in a warm controversy with
 Hastings regarding military patronage. Sir Robert
 Barker objected to the resolution of the Board that “ if
 “ the Vizier has the Rohilla country added to those of
 “ Oudh and the Provinces of Corah and Allahabad, he
 “ will be in possession of a revenue of nearly two crores
 “ and a half per annum, a sum that, in some future
 “ day, might render an enterprising genius a very
 “ troublesome neighbour on the north-west frontiers of
 “ the Company’s dominions ; although we have no
 “ present occasion to suspect the sincerity of Shuja-ud-
 “ daulah’s attachment to our interests, yet it must not
 “ be forgotten that he is an Hindustander, or that a
 “ successor might enter the Government with very
 “ different ideas and disposition.”†

The letter which Hastings sent the Nawab did not,
 however, cause him to relinquish his design. He
 acknowledged “ the receipt of the friendly letter

* *Secret Select Committee’s Proceedings*, 26th November, 1773,
 vol. i., p. 81.

† Mill writes : “ His abilities in making out a case, though singu-
 “ larly great, were unable to produce unanimity, and it was not till
 “ after a long debate that a decision in favour of the expedition was
 “ obtained. The assistance was promised on the very terms con-
 “ certed and settled between him and the Vizier ; and yet this Presi-
 “ dent had the art to persuade his colleagues, and joined with
 “ them in a declaration to their common masters, that these terms
 “ were so favourable to the English and so burdensome to the Vizier
 “ as to render his acceptance of them improbable, and therefore to
 “ leave but little chance of their involving the English Government
 “ in a measure which the principal conductors of that Government
 “ were desirous to avoid ” (vol. iii., p. 571).

"informing him that the English brigade is either for
 "the protection of my own dominions or to assist me
 "in my operations against the Rohillas,"* and he
 requested that a positive order should be sent to the
 Commander-in-Chief to march the forces to the borders
 of Oudh. It was impossible to temporize any longer.
 On the 14th February 1774 orders were issued to
 Colonel Champion to take command of the brigade
 marching to Oudh, but even up to the last moment
 Hastings evidently hoped that the expedition against
 the Rohillas would be postponed, for we read: "As
 "the Vizier appears completely occupied at present in
 "his expedition into the Do-auba for the recovery
 "(in behalf of the King Shaw Allum) of the territory
 "seized by the Mahrattas, we imagine he will hardly
 "find time this season to attempt anything towards
 "the conquest he meditates of the Rohilla country
 "before described. We think it, however, neces-
 "sary to suppose the possibility of such a service
 "taking place in describing the line of your opera-
 "tions."†

On the 24th of February the united forces entered ^{The} the territory of the Vizier, and on the 17th of April ^{Rohilla} invaded the Rohilla dominions. On the 9th of May ^{war.} the President laid before the Board a letter from the
 Commander-in-Chief announcing a decisive victory
 over the enemy. The English Commander does
 justice to the bravery of the foe. "Hafiz," he writes,
 "and his army, consisting of about forty thousand,
 "showed great bravery and resolution, annoying us
 "with their artillery and rockets; they made repeated
 "attempts to charge, but our guns being so much better

* *Secret Select Committee's Proceedings*, 13th January, 1774, vol. i.,
 p. 91.

† *Ibid.* p. 99

"served than theirs, kept so constant and galling a
 "fire, that they could not advance, and where they
 "were closest, there was the greatest slaughter; they
 "gave proofs of a good share of military knowledge by
 "showing inclinations to force both our flanks at the
 "same time, and endeavouring to call off our attention
 "by a brisk fire on our centre."* Of the enemy about
 two thousand fell, many leading chiefs being amongst
 the number of the slain. "Standards," writes Colonel
 Champion, "we have taken without number, and above
 "fifty pieces of cannon, but what renders the victory
 "most decisive is the death of Hafiz Rahmat, who
 "was killed whilst bravely rallying his people to battle;
 "one of his sons was also killed, one taken prisoner, a
 "third returned from flight to-day, and is in the hands
 "of Sujah."† Thus fell the great Rohilla Chief. He
 was endowed with great personal courage and con-
 siderable powers of statesmanship, but these qualities
 were neutralized by his extreme prudence and caution.
 His great fault was avarice, which being united to
 insincerity led him to be distrusted by his fellow-
 chieftains and paved the way to his final ruin. He
 rose to power by betraying the solemn trust of his
 friend, and the only title he had to the kingdom of
 Rohilkund was the title of fraud. His character has
 been painted in glowing colours by the enemies of
 Hastings, but it is impossible to discover anything that
 would make him a hero or a benefactor.‡

* *Secret Select Committee's Proceedings*, 9th May, 1774, vol. i., p. 97.

† *Ibid.*, p. 98.

‡ How little the enemies of Hastings knew about Hafiz Rahmat Khan is amusingly illustrated by the fact that they confounded him with Hafiz, the famous poet of Shiraz, who lived only four hundred years previously. In the *Parliamentary Register* there is the following passage:

"Hafiz Rahmat, the most eminent of their Chiefs, as famous

In the letter which Colonel Champion sent to the Board announcing his victory he severely criticized the conduct of the Nawab and his troops during the engagement. He wrote: "No sooner was the enemy irrecoverably broke than they pushed after them and got much plunder in money, elephants, and camels, &c., &c., &c. Their camp equipage (which was all standing, and proves that we came on them by surprise), with whatever effects they could not carry off, fell a sacrifice to the ravages of the Nawab's people, whilst the Company's troops in regular order in their ranks most justly observed, 'We have the honour of the day and these bandits the profit.' "* Criticism of Colonel Champion on the Nawab and his troops.

The Board, in their letter congratulating the Chief on his victory, remarked: "So decisive an instance of the superiority of the Company's arms cannot fail of reviving in all its force the reputation they formerly acquired in Industan, and which ten years of peace had doubtless in some degree weakened in the minds of the princes of the country." They complimented the troops on their valour, and the General on his skill and the order and discipline he had maintained among his men. They expressed their special satisfaction that the General had "from the beginning opposed and at last obtained a stop to be put to the devastation of the Rohilla country by the army of the Vizier, a mistaken policy altogether incompatible with the design of the war and repugnant to humanity, and we have a sensible pleasure in testi-

"throughout the East for the elegance of his literature and the spirit of his poetical compositions (by which he supported the name of Hafiz) as for his courage, was invaded," etc., etc. (*Parliamentary Register*, No. lxxvi., p. 205).

* *Secret Select Committee's Proceedings*...

“fying our entire approbation of your conduct in this
“respect.”*

The military conduct of the expedition was entirely left to the Commander-in-Chief, but the power of directing the services to be performed was left to the Vizier. This division of authority led to friction which rapidly grew into personal hostility between the two men. Every letter received from Colonel Champion was charged with complaints against the Nawab. He was stated to be avaricious, cowardly, and cruel, vices unfortunately common to most oriental despots. The Commander-in-Chief was “greatly afraid that the
“Vizier’s behaviour to the family of the Nawab Hafiz
“Rahmat and to the inhabitants of his country will
“render our connection with him reproachful to us and
“tend to lessen that reputation of our justice which
“had heretofore prevailed in these countries.”† This called forth a manly and vigorous rebuke from the Governor. Hastings wrote: “It never could have
“been suspected by the Board that their orders to you
“would have tied up your hands from protecting the
“miserable, stopped your ears to the cries of the widow
“and fatherless, or shut your eyes against the wanton
“display of oppression and cruelty. I am totally at a
“loss to distinguish wherein their orders have laid you
“under any greater restraint than your predecessors.
“No authority which the Board could have given could
“be capable of preventing the effects you mention, since
“they could give you no control over the actions of the
“Vizier further than the weight and influence of your
“counsel and advice.”‡

* *Secret Select Committee’s Proceedings*, 9th May, 1774, vol. i., p. 101.

† *Secret Select Committee’s Proceedings*, 23rd May, 1774, vol. i., p. 104.

‡ Gleig, *Memoirs of Warren Hastings*, vol. i., p. 425.

In a letter to Mr. Middleton, who had been appointed Resident at the Court of Oudh, Hastings remarked :—

“Colonel Champion complains of the conduct of the Vizier in “suffering and even ordering his troops to ravage the country, and “in his cruel treatment of the family of Hafiz Rahmat. This is a “subject on which I cannot write to the Vizier. It might widen “the breach between him and the Commander-in-Chief, and prob- “ably influence the Nawab to some private revenge on the unhappy “remains of Hafiz Rahmat’s family. I desire, therefore, that you “will take an immediate occasion to remonstrate with him against “every act of cruelty or wanton violence. The country is his and “the people his subjects. They claim by that relation his tenderest “regard and unremitted protection. The family of Hafiz have “never injured him, but have a claim to his protection in default of “that of which he has deprived them. Tell him that the English “manners are abhorrent of every species of inhumanity and oppres- “sion, and enjoin the gentlest treatment of a vanquished enemy. “Require and entreat his observance of this principle towards the “family of Hafiz. Tell him my instructions to you generally, but “urgently enforce the same maxims, and that no part of his conduct “will operate so powerfully in winning the affections of the English “as instances of benevolence and feeling for others. If these argu- “ments don’t prevail, you may inform him directly that you have “my orders to insist upon a proper treatment of the family of Hafiz “Rahmat; since in our alliance with him our national character is “involved in every act which subjects his own to reproach, that I “shall publicly exculpate this Government from the imputation of “assenting to such a procedure, and shall reserve it as an objection “to any future engagements with him, when the present service “shall have been accomplished.”*

Colonel Champion, experienced in the tactics of war, unfortunately thought that he was also a master of the tactics of diplomacy. He entered into negotiations with Fyzoolah Khan, the only Rohilla Chief who had not surrendered, and who proposed to pay the Nawab twenty lakhs of rupees if he would reinstate him. He also offered a large sum of money to the Company if they would use their influence with the Vizier to grant him his request. “But,” writes Colonel Champion, “His Excellency said he would not give him back a

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* Gleig, *Memoirs of Warren Hastings*, vol. i., p. 438.

“span of his country for a crore of rupees; that he had
“no objection to my protecting Fyzoollah Khan’s
“person, but that the treasure must be considered as
“the property of His Excellency independent of the
“English.”* Champion was desirous that Hastings
should accept the money offered by Fyzoollah Khan,
and should bring pressure to bear on the Vizier to
restore his fief in Rohilcund. But Hastings, who has
been so often accused of lending English troops to the
Vizier merely for the sake of lucre, refused to assent to
the proposals made, on the broad ground “that they
“are diametrically opposite to the principle on which
“the Rohilla expedition was on our part undertaken,
“which was not merely on account of the pecuniary
“acquisition of forty lakhs of rupees to the Company,
“for, although this might be an accessory argument, it
“was by no means the chief object of the undertaking.
“We engaged to assist the Vizier in reducing the
“Rohilla country under his dominion, that the boundary
“of his possessions might be completed by the Ganges
“forming a barrier to cover them from the attacks and
“insults to which they are exposed by his enemies
“either possessing or having access to the Rohilla
“country. Thus our alliance with him, and the
“necessity for maintaining this alliance, so long as he
“or his successors shall deserve our protection, was
“rendered advantageous to the Company’s interest,
“because the security of his possessions from invasion
“in that quarter is in fact the security of ours. But if
“the Rohilla country is delivered to Fyzoollah Khan,
“the advantages proposed from this alliance will be
“totally defeated.”†

* *Secret Select Committee’s Proceedings*, 3rd June, 1774, vol. i., p. 107.

† Gleig, *Memoirs of Warren Hastings*, vol. i., pp. 433, 434.

Fyzoollah Khan was reputed to have, according to the most moderate computation, seventy-five lakhs of rupees in ready money, and Colonel Champion was greatly incensed at the Vizier's declaration that the treasure must be considered as his property. The express stipulation that the English troops should serve for a certain fixed sum had barred them from having a share of the booty captured. Colonel Champion considered this to be a wrong both to himself and his men. He wrote to the Board: "By their gallantry they have reduced this country, and, of course, gained the Company half a million of money; they have, moreover, been the enrichers of Sujah-ul-Dowlah to an immense amount, before their faces he has seized these riches, and he has not even thanked them for their services. These matters, gentlemen, are in my opinion of the highest importance, and deserve your most serious consideration. The good temper and forbearance of your army under such temptation is matter of the greatest admiration, and a source of infinite satisfaction to me, but I must confess I am afraid that if some mark of favour and gratification for their services is not manifested, it may be somewhat dangerous ever to try an experiment of this kind again, or to put the temper and patience of any part of your troops so much to the proof."*

Hastings refused to consider the suggestion so skilfully conveyed. "The very idea," he states in a private letter to Champion, "of prize-money suggests to my remembrance the former disorders which arose in our army from this service, and had almost proved fatal to it. Of this circumstance you must be sufficiently apprized, and of the necessity for discouraging every

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* *Secret Select Committee's Proceedings*, 3rd June, 1774, vol. i., p. 107.

“expectation of this kind among the troops. It is to “be avoided like poison.”* Champion never forgot the rebuke. It rankled in his mind long after, and betrayed itself on more than one occasion.

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The termination of the Rohilla war coincides with the close of Hastings' administration as Governor of Bengal. In the previous year (1773) the financial embarrassments of the Company became so great that they were obliged to solicit help, and they received a loan from the public of £1,400,000. As the public had become a creditor of the Company, the Ministry could no longer neglect Indian affairs, and the same year Parliament passed “an Act for establishing certain “Regulations for the better management of the affairs “of the East India Company as well *in India* as in “Europe.” It has often been assumed and stated that Parliament for the first time interfered to control the administration of the Company by Pitt's famous East India Bill. But this is a mistake. It was by the Regulating Act of 1773 that, for the first time, the British nation, as a nation, assumed the actual responsibility of the government of the territories won by the servants of a trading corporation. By this measure it was enacted that “for the government of “the Presidency of Fort William in Bengal there shall “be appointed a Governor-General and four Coun-
sellors,” in whom the whole civil and military government of Bengal, Behar, and Orissa was invested. The Governor of Bengal was converted into a Governor-General in order to give emphasis to the fact that the other Presidencies were subordinate to Bengal. The Governor-General and Council were appointed by

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* *Secret Select Committee's Proceedings*, 8th March, 1775, vol. ii., p. 274.

name in the Act; they were to hold office for five years, but after that the patronage reverted to the Company subject to the approbation of the Crown; they were not removable except by the Crown, after representation made by the Court of Directors. In order to have a supervising control over the Company the important power was taken for the Secretary of State and the Board of the Treasury to examine all correspondence received in England from India. The Governor-General and Council were required constantly and diligently to transmit to the Court of Directors "all exact particulars of all advices or intelligence and "of all transactions and matters whatever." The paramount authority of the Sovereign was declared by the creation of a Supreme Court of Justice. The 8th clause of the letters patent establishing the Supreme Court of Judicature at Fort William in Bengal nominates Elijah Impey, of Lincoln's Inn, Esquire, first Chief Justice, and Robert Chambers, of the Middle Temple, Stephen Cæsar Lemaistre, of the Inner Temple, John Hyde, of Lincoln's Inn, Esquires, to be the first puisne justices. The Court was the King's Court, and every officer of the Company and the Company itself were amenable to the jurisdiction and powers of that tribunal, subject only to appeal to the Sovereign in Council.

Warren Hastings was nominated by the Act the first Governor-General; and Major-General John Clavering, the Hon. George Monson, Richard Barwell, Esquire, and Philip Francis, Esquire, members of the Supreme Council. Barwell had excellent parts, which had been improved by long administrative experience; Clavering had neither ability nor tact, and he never learnt the art of governing his temper. He owed his appointment entirely to Parliamentary influences. Monson was a brave old soldier of no

political capacity. The most remarkable member of the new Council was Philip Francis. His character has been sketched with skill and fidelity by Lord Macaulay. "Junius," he writes, "was a man clearly "not destitute of real patriotism and magnanimity, a "man whose vices were not of the sordid kind. But "he must also have been a man in the highest degree "arrogant and insolent: a man prone to malevolence, "and prone to the error of mistaking his malevolence "for public virtue! 'Doest thou well to be angry'? was "the question asked in old times of the Hebrew "prophet. And he answered, 'I do well.' This was "evidently the temper of Junius; and to this cause we "attribute the savage cruelty which disgraced several "of his letters. No man is so merciless as he who, "under a strong delusion, confounds his antipathies "with his duties. All this we believe might stand "with scarcely any alteration for a character of Philip "Francis." Had Macaulay studied the minutes and letters printed in the State Papers* he would have had no reason to correct or modify his judgment regarding Philip Francis. The minutes, like the letters of Junius, display the same art of assuming a great moral and political superiority, and the same art of evading difficulties, insinuating unproved charges, and imputing unworthy motives. The minutes, like the letters of Junius, are distinguished for their clear and vivid style, and are charged with envenomed and highly elaborated sarcasm. In them is displayed the art which Francis possessed to supreme perfection of giving the arguments on his side their simplest, clearest, and strongest expression, in disengaging

* *Selections from the Letters, Despatches, and other State Papers preserved in the Foreign Department of the Government of India, 1772-1785.* Edited by George W. Forrest.

them from all extraneous matter, and making them transparently evident to the most cursory reader.*

The Regulating Act of 1773 was a failure, because it attempted what Parliament can never do with success -- a direct interference in the local government of India. By this measure the Governor-General was made dependent not only on the aid and support of the Court of Directors,† but also that of the Ministry, and he could only obtain their favour by a compliance with their claims for a share of Indian patronage. By the Regulating Act the Governor-General had a casting-vote, but otherwise he had no greater authority than any member of the Council. Warren Hastings, in the review of his administration, wrote :

Failure of
the Regu-
lating Act
of 1773.

“If the same act of the legislature which confirmed me in my station of President over the Company’s settlements in Bengal had invested me with a control as extensive as the new denomination I received by it indicated ; if it had compelled the assistance of my associates in power instead of giving me opponents ; if, instead of creating new expectations which were to be accomplished by my dismissal from office, it had imposed silence on the interested clamours of faction, and taught the servants of the

* Lecky, *History of England in the Eighteenth Century*, vol. iii., p. 236.

† By the Regulating Act “it was enacted that at the next general election, instead of twenty-four Directors being chosen for one year, six should be elected for one year, six for two years, six for three years, and six for four, and that at the expiration of every year six new Directors and no more should be chosen. The effect of this provision has been to constitute a body of thirty Directors, of whom six, forming a sort of non-effective list, go out every year by rotation. For although it is competent upon the Proprietors at such annual elections to choose six new members, the power is never exercised” (Sir John W. Kaye, *The Administration of the East India Company*, p. 123). The Home Government of India thus became vested in a peculiar aristocracy, a kind of life peerage, the rare vacancies of which were filled by election by the shareholders and the Company. By the Regulating Act the qualification to vote in the Court of Proprietors was raised from £500 to £1,000, and restricted to those who had their stock for twelve months.

"Company to place their dependence upon me, where it constitutionally rested; if when it transferred the real control over the Company's affairs from the Direction to the Ministers, instead of extending, it had limited the claims of patronage, which every man possessing influence himself, or connected with those who possessed it, thought he had a right to exert; and if it had made my continuance in office to depend upon the rectitude of my intentions, and the vigour with which they were exerted, instead of annexing it to a compliance with those claims, I should have had little occasion at this period, to claim the public indulgence for an avowal of duties undischarged. But the reverse took place in every instance."*

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On the 26th October 1774 the new Council met for the first time, and then commenced that long quarrel which after distracting British India was renewed in England, and in which all the most eminent statesmen and orators of the age took an active part. Hastings laid before his colleagues an able minute on the revenue and politics of the country. He explained the mode he adopted for the collection of the revenue. He earnestly offered his advice "for the continuation of this system with such alterations only as the late change in the Government has rendered indispensably necessary."† In discussing the political system he dwelt on the Benares treaty and the Rohilla war, which he defended on the ground both of State policy and justice. His new colleagues, who had been only a week in India, and had not had the time to master even the elements of Indian polity, condemned the treaty and denounced the war as impolitic and unjust. At the same time they professed their inability to arrive at any satisfactory conclusions respecting either on the mere minute of the Governor-General, and they formally demanded the correspondence which had passed between him and Mr. Middleton, the Resident

* *Memoirs Relative to the State of India*, p. 74.

† *Secret Select Committee's Proceedings*, 25th October, 1774, vol. i., p. 115.

at the Court of Oudh. As Hastings had requested Middleton to write to him without reserve, and the letters contained a great deal that was private and confidential, Hastings declined to produce them. But he freely consented to furnish his colleagues with every sentence in the letters which might throw light on the matter under discussion. His colleagues, however, declared that they had only discovered on landing that "the reduction of the Rohillas was completed, "and that our army about the beginning of this month "was stationed upon the skirts of the mountains of "Thibet, at a place so distant from our frontier and so "considerably to the north of Delhi, that it is not "comprehended in any of the ordinary maps of "Industan, and in this situation other lights into the "nature of the negotiation and engagements with "Shuja-ud-daulah beyond any that we have yet "received are undoubtedly necessary. . . . We "think a complete communication of the original "correspondence between the late President and the "Company's Resident at the Darbar and the Commander-in-Chief of the Company's troops now in the "field indispensably requisite for the information of the "Board."* Hastings adhered to his determination not to produce the letters, and in his minute to the Court of Directors, dated 3rd December 1774, he justified his action on the ground that there were few persons in the service of any considerable trust or rank with whom he had not had private correspondence, and that it would be a dishonourable breach of confidence to disclose the contents of these letters. He wrote : "My predecessors have ever followed the same rule, and "I am persuaded would have thought it a dishonour-

* *Secret Select Committee's Proceedings*, 28th October, 1774, vol. p. 121.

“able breach of confidence had they inserted on the
“records of the Company any letters which had been
“addressed to them as extra-official and private, with-
“out the consent of the writers of them. Lord Clive,
“Mr. Verelst, Mr. Cartier, General Smith, and General
“Sir Robert Barker are able to contradict me if I have
“misquoted their practice, and I shall be glad to appeal
“to them for the truth of it if there can be a doubt on
“the subject. A circumstance exactly in point to the
“present matter in dispute happened in the course of
“Colonel Smith's correspondence with the Select
“Committee in 1766, when by some mistake the subject
“of a private letter from the Colonel to the President
“was only alluded to in a letter from the Select
“Committee, upon which occasion the Colonel asserts
“his sentiments of the sacred rights of private corre-
“spondence in the following words: ‘I have been made
“‘accountable to a public Board for an unprejudiced
“‘discussion of facts which ought never to have
“‘transpired beyond the breast of the right honourable
“‘person to whom, and whom only, they were
“‘addressed’; and the Select Committee, by their
“silence, acquiesced in those sentiments.”* Hastings
added: “One reason alleged by the majority for the
“demand which had with so much perseverance been
“made for Colonel Champion and Mr. Nathaniel
“Middleton's letters was that without them, and
“specially without those I withheld from them, their
“knowledge of the State and circumstances of the
“Rohilla war, which was to enable them to judge of
“the propriety of continuing the army in that quarter,
“or to determine its removal, would be incomplete, yet
“they had neither taken time to read the series of the

* *Secret Select Committee's Proceedings*, 8th December, 1774, vol. i., p. 152.

“former political reports which I had recommended for
“their perusal, nor the letters of Colonel Champion and
“Mr. Nathaniel Middleton, with which I had promised
“to furnish them, although these were surely as
“necessary for their information as the private letters
“addressed to me, the contents of which they could not
“know, and I had declared to them contained no
“information on the points on which they wanted it.”*
In a letter to Lord North, Hastings wrote: “The
“immemorial usage of the service had left the whole
“correspondence with the country powers in the hands
“of the Governor, and Mr. Middleton in that light
“could only receive his orders from and address his
“letters to me. In the course of his correspondence I
“had encouraged him to speak his sentiments freely
“under the assurance of their never becoming the
“subject of public record in cases which I judged
“improper for such a communication. When, therefore,
“Mr. Monson moved for the whole being laid before
“the Board I could not consistently either with honour
“or good faith comply. I urged these reasons, but
“they were overruled, and Mr. Middleton was
“immediately called from his station, and thus a
“declaration made to all Industan that my authority
“was extinct, and that new men and new measures
“would henceforth prevail. I do not know what use
“my opponents may make of my refusal to show those
“letters. I declare I have submitted every part to
“their perusal which was necessary for their information
“on public affairs, and as to those I have withheld,
“Your Lordship will, I hope, one day judge of the
“propriety of my conduct in this respect, it being my
“intention, as soon as Mr. Middleton arrives, to collect

* *Secret Select Committee's Proceedings*, 8th December, 1774, vol. i., p. 154.

“my entire correspondence with him, and to offer it
“for Your Lordship’s inspection.”*

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On Hastings’ refusal to deliver up his private letters it was resolved by the majority, consisting of the new Councillors, that Mr. Middleton should be recalled, and that the negotiation with the Vizier should be committed to Colonel Champion or to the officer who on the receipt of the orders should chance to be first in command of the brigade in the field. Hastings protested against the resolution, as “it proclaimed the
“annihilation of my authority in that branch of the
“Government in which the Company for obvious
“political reasons have ever thought it necessary to
“invest their Governor with the ostensible powers, and
“which in their very first orders to the new Adminis-
“tration they have directed should be continued to be
“conducted through him.”† The protest, however, fell on the ears of men who had made up their minds to follow a definite course of action. At the next meeting of the Board they resolved that the Commander-in-Chief should be ordered to demand from the Vizier the forty lakhs due for the service of our troops in the Rohilla campaign, and all other sums which might be due upon his other engagements. If the Vizier was unable to comply with these demands the Commanding Officer might accept not less than twenty lakhs in partial payment, and securities for the remainder in twelve months. In case the Vizier should refuse to comply with these demands the Commanding Officer was within fourteen days after the receipt of these instructions to retire with the army under his command and withdraw it into the Company’s territories.

* Gleig, *Memoirs of Warren Hastings*, vol. i., pp. 474, 475.

† *Secret Select Committee’s Proceedings*, 8th December, 1774, vol. i., p. 156.

It was also resolved "that further orders be sent to
 "Colonel Champion or the Officer commanding the
 "brigade that after having finished the negotiations
 "for the money now due, he do immediately withdraw
 "the whole of the forces under his command within
 "the limits of the province of Oudh, and that unless
 "the Vizier should require the continuance of the
 "troops for the defence of his original dominions with
 "the provinces of Corah and Illahabad, he return with
 "them to the cantonments of Dinapore."^{*}

Hastings regarded the immediate demand of payment as harsh and inpolitic, and considered the sudden recall of the troops as a breach of treaty and a violation of the faith of the Company. He wrote to the Directors:
 "They have disregarded the faith of our engagements,
 "which even in the most violent revolutions have ever
 "been transmitted as sacred from one Government to
 "that which has succeeded it; they have exposed the
 "conquest which the British arms have acquired for
 "the Vizier to be wrested from him, with the loss of
 "our military reputation; they have risked the loss of
 "the pecuniary resources which were stipulated for the
 "Company as the fruits of their successes; and they
 "have precipitately withdrawn the brigade from its
 "station where its whole expense is borne by the
 "Vizier, to become again a heavy and useless burthen
 "upon ourselves."[†]

Not content with weakening the dignity and authority of Hastings by the recall of his representative in Oudh, not content with endangering the safety of the kingdom of our ally by the recall of the troops, the majority proceeded to denounce the Rohilla war.

^{*} *Secret Select Committee's Proceedings*, 28th October, 1774, vol. i., p. 122.

[†] *Ibid.*, 8th December, 1774, vol. i., p. 156.

as impolitic and unjust, and ordered an enquiry to be instituted into the manner in which it had been conducted, in the hope of fastening upon Hastings the responsibility for every outrage perpetrated by the Vizier and his troops. The event proved very different to what they anticipated. It is instructive to compare the description of the state of Rohilcund at the close of the war as described by those who took a part in the campaign, and the picture drawn by Macaulay. Few portions of his brilliant work have achieved a more successful notoriety. It is read wherever English letters have penetrated, and it may be said to be stereotyped in the English mind. It has created a deep and lasting prejudice against the great man who founded our Indian Empire, and to it is mainly due the charge so often brought by fervent politicians that India was acquired by enormous crimes. Macaulay in his essay on Warren Hastings writes: "Then the horrors of "Indian war were let loose on the fair valleys and "cities of Rohilcund. The whole country was in a "blaze. More than a hundred thousand people fled "from their homes to pestilential jungles, preferring "famine and fever and the haunts of tigers to the "tyranny of those to whom an English and a Christian "Government had for shameful lucre sold their substance, and their blood, and the honour of their wives "and daughters." Colonel Leslie, the first witness summoned before the Council, stated: "I would beg "leave to distinguish between the real inhabitants and "the acquired ones. By the acquired ones I mean the "Rohillas or Afghans who conquered the country and "became the masters of it. I believe the Gentoo "inhabitants were not oppressed. The ryots have "been as much cherished by him as they ever were "under any former Government, except at the time of

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“the march of the army through their country, but
“they returned to their plough immediately and
“seemed to be as happy as ever.”* The witness
admitted that a certain portion of the country was in
flames—a very different matter to the whole country
—and added: “The native inhabitants after I left
“Bissouly, between that and Simbu, were all at their
“habitations, and had returned to their cultivation
“of the country; when I went down towards the banks
“of the Ganges it was highly cultivated, but about
“Puttergur, which was the place of arms and retreat of
“the Rohillas before they retired to Loll Dang as
“their last resource, there was no cultivation but of
“sugar.”†

Regarding the outrages committed by the Vizier, Colonel Leslie declared that he had heard many
“vague reports regarding the matter, and certain
“particular ones which were attended with such
“circumstances that I could scarce give any credit to
“from the situation of the parties. There was a
“particular one at Bissouly: one of the daughters of
“the Rohilla Chief of that place whom they said he had
“committed violence upon, and that she in consequence
“poisoned herself, and knowing the situation of the
“Vizier at that time I thought it almost impracticable,
“which made me give very little credit to the stories
“which I heard at the time of such a nature.” On
being cross-examined by General Clavering as to the
treatment the Rohillas received at the hands of the
“Nawab, Colonel Leslie stated: “The prisoners who
“fell into the hands of the Vizier, which I believe to
“be very few, are now entertained in his service;

* *Secret Select Committee's Proceedings*, 19th December, 1774, vol. i.,
p. 162.

† *Ibid.*

"there are some of the sons of Hafiz Rahmat, two particularly whom I know, and have often seen riding in his suite. He generally took one of these out with him all the time he was at Bissouly; their appearance was good, and I think the same of the rest of his cavalry, and they appeared contented, but no doubt he kept a watchful eye on them."*

Mr. Francis then asked the witness the following question :

Q.—"Did the Vizier make any suitable allowance for the maintenance of the families of the conquered chiefs, or were they abandoned to distress and misery for want of the common necessities of life at any time?"

A.—"The Vizier has, I am told, settled allowances, jaghirs upon most of them, but I believe not sufficient to keep them in that way of life they are brought up in; but, upon my word, I don't know what distresses they have been brought to, as they are confined within forts, but the report of the world says they suffer great distress."†

Major Hannay was the next witness. In answer to the first question regarding the oppression stated to be exercised by the Vizier, he said: "To the best of my knowledge I saw no signs of oppression to the inhabitants of the new conquered country; but from particular enquiries which I had an opportunity of making of the country people, they said they had met with no treatment that they could complain of; that from the treatment they had met with they had no reason to fear greater severity from the Vizier than their former masters."‡ This is a very different picture to that painted by Macaulay, who describes Hastings folding his arms and looking on while their villages were burnt, their children butchered, and their

* *Secret Select Committee's Proceedings*, 19th December, 1774, vol. i., pp. 163, 164.

† *Ibid.*, p. 166.

‡ *Ibid.*, p. 167.

women violated. The Rohillas were not, as Macaulay depicts them, innocent men, fighting for their liberty, but military adventurers who only half a century previously had conquered the country. Major Hannay in his evidence stated: "I have learned from many people that it is only within fifty years that the Rohillas have become masters of the country to the north of the Ganges; that they were originally Afghans, came to Industan under a Surdar named Daud Cawn, and that they conquered that country from the Hindoos, and that since that time they have followed no other profession than that of arms, and the ancient Hindoos have cultivated the country."* No doubt villages were burnt, as they have been burnt in every war, but Major Hannay informed the Board that both the Vizier and the Rohillas were concerned in burning the villages. "I was informed that some days before our arrival at Shawbad, the Rohillas had burned some villages towards Mamdy in the Vizier's ancient dominions."† As to the country being reduced to a desert and a hundred thousand people flying to the jungles, Major Hannay stated: "At the time that I went upon an expedition from Bessouly to Sumbul, Meradabad, and Rampore, the country appeared to be in good cultivation; the inhabitants were employed in tilling it. It is in general one of the best cultivated countries I have seen in Indostan, and very well inhabited, and the people appeared to be busy at this time as if there had been a profound peace, and under no kind of apprehension from the conquerors."‡

In the course of his cross-examination by Francis, Major Hannay was asked:

* *Secret Select Committee's Proceedings*, 19th December, 1774, vol. i., p. 167.

† *Ibid.*

‡ *Ibid.*

Q.—“Do you know or believe that the Vizier entered the zenanas of the wives of any of the Rohilla Chiefs?”

A.—“It is impossible for me to answer with any degree of precision, from the zenanas being spacious places, consisting of many apartments, many of which are not occupied by women. I never knew of his going into any of them at Pellybeet. I can positively say he did not, for he never went into the town of Pellybeet. At Bessouly I have heard that he went frequently into the zenana there, but to the best of my remembrance it was after the women were removed to camp, and that he was fitting up the zenanas for the reception of his own family during the time he was going to Puttergur.”*

Regarding the Rohillas, whose character has been painted in such glowing colours by Burke, Mill, and Macaulay, Major Hannay stated: “Their national character has in general been a want of sincerity, to elucidate which I beg leave to mention one instance. At the time that Muhammad Ali was their chief he prevailed upon the Almora Raja and the other hill Rajas to assist him in his rebellion against the King, Mahomed Shah; that they did assist him with 20,000 men, that upon the approach of the imperial army they found themselves so much inferior in point of strength that they judged it imprudent to give him battle and prevailed upon the Almora Raja to admit them into his country, the access to which is so strong that a small number of troops may defend the pass against a very numerous army. They continued there till an invasion of the Mahrattas required that the army of the empire should be returned against them. As soon as ever the army of the empire quitted the Rohilla country, then the Rohillas seized the country of the Almora Raja, their ally, carried away most of the handsomest women of the country captives, amongst others the daughter of the Raja, whom Ali Muhammad took himself, and she

* *Secret Select Committee's Proceedings*, 19th December, 1774, vol. i., p 168.

“ was the mother of the present Fyzoollah Khan.
 “ This is mentioned as an instance of their insincerity ;
 “ farther it is a proverb in Industan that they pray
 “ with one hand and rob with the other. Their
 “ manner of making war is much the same as is
 “ practised all over Industan ; towards their conquered
 “ enemies they have generally been bloody ; those
 “ whom they have saved they commonly made captives
 “ of ; and in the late campaign I have been very well
 “ assured by many of the prisoners that their intentions
 “ towards us were very bloody, that they had orders to
 “ give no quarter.”*

The next witness called was Colonel Champion, the bitter foe of the Vizier and of Hastings. He described no burning villages, nor thousands of people flying from their homes to pestilential jungles, but he stated :
 “ The native inhabitants are still remaining and the
 “ country is in a flourishing condition.” Colonel
 Champion, on being asked whether he had heard the report that brutal outrages had been offered to the wives and daughters of the Rohillas of the highest rank, said : “ I did hear such a report, but as to the
 “ grounds I have none sufficient to prove the accusation,
 “ but the report of it was made to me.”†

The evidence of Colonel Leslie, Major Hannay, and Colonel Champion, a most hostile witness, removes what Macaulay stated to be “ a lasting stain on the
 “ fame of Hastings and of England.” It is no doubt a great crime to trample out a nationality, but of this

* *Secret Select Committee's Proceedings*, 19th December, 1774, vol. i., p. 168.

† *Ibid.*, 28th December, 1774, vol. i., p. 173.

Mill writes : “ There can be no doubt that the Rohillas, whose troops were among the best and bravest of Hindustan, were “ a barrier against the Mahrattas.” He loses sight of the fact that the Mahrattas had twice defeated the Rohillas and devastated the country.

Evidence
of Colonel
Champion.

crime in our conquest of India we are guiltless. In India we found men belonging to diverse races, speaking diverse tongues, fighting for the supremacy. We found no nation. The Mussulman power was effete long before the battle of Plassey. Brave in battle, the followers of Mohammed were intolerant and proved themselves unfit to govern. All chance of Hindoo supremacy was lost on the field of Panipat. The Mahrattas were brave marauders, but were destitute of the gifts with which Nature has endowed the races meant to rule. The Rohillas were soldiers of fortune from Afghanistan, who had only half a century before their defeat conquered the fair valleys and cities of Rohilcund. Hastings, in his minute to the Directors, states: "I must beg leave to take exception to the word '*nation*' applied to the Rohillas. They are a tribe of Afghans or Pathans, free booters who conquered the country about sixty years ago, and have ever since lived upon the fruits of it, without contributing either to its cultivation or manufactures, or even mixing with the native inhabitants. The Rohillas are Mahometans, the natives Hindoos, and have only changed masters."* Colonel Leslie, in his evidence, remarked that the Rohillas "made the inhabitants till the ground, left them a substance, and kept the rest to themselves."† And Major Hannay informed the Board that since the time the Rohillas conquered the country, "they have followed no other profession than that of arms, and the ancient Hindoos have cultivated the country."‡

The Rohilla war was no brave struggle of patriots fighting for their native land; it was a struggle of

* *Secret Select Committee's Proceedings*, 16th January, 1775, vol. i., p. 177.

† *Ibid.*, 19th December, 1774, vol. i., p. 163.

‡ *Ibid.*, p. 167.

marauders fighting to maintain their supremacy over a people whom they were incapable of protecting from other marauders. The Mahrattas had laid waste the country and driven the Rohillas into their mountain fastnesses. At this grave crisis in their affairs the Rohilla chiefs appealed for assistance to the Nawab of Oudh, the ally of England, and he consented to lend his aid on the express condition that if the Mahrattas were compelled to retire from the country with or without war, the Rohillas should pay a certain sum of money. The treaty was signed and ratified by the Commander-in-Chief of the English troops. The Mahrattas were compelled to retire, but they invaded the country next year and were again driven off by General Sir Robert Barker. The Vizier then demanded from the Rohilla chiefs the sum they had stipulated by treaty to pay. They resorted to evasions and excuses till his patience was exhausted, and he resolved to annex their country as a punishment for their breach of faith. The Nawab determined to ask his ally to aid him in the enterprise. The first proposition of the Rohilla war came from the Vizier and General Barker, and Hastings was most unwilling to accede to it. But he and his colleagues after long and mature deliberations came to the conclusion that on the annexation of Rohilcund to Oudh depended not only the tranquillity and safety of Oudh, but the tranquillity and safety of our own possessions. Rohilcund was the gate of Oudh, and as Hastings wrote to the Directors: "If the Mahrattas, either by the defeat, or, which was as likely to happen, by the desertion of the Rohillas to their cause, should gain a footing in that country, nothing could oppose their entering into the province of Oudh and laying it waste, in spite of any attempts of our forces to prevent them. The map which

“accompanies this will demonstrate this truth more powerfully than any verbal argument. It was not to be supposed that the Mahrattas, whose ambition for some years past had aspired to universal conquest, and who had extended their arms from the centre of the Balaghat to the northern extremity of Hindustan, should sit down contented when they had added Doab, Corah, and Illahabad to their dominions. On the contrary, there was every reason to apprehend, and it was publicly reported in their own camp, that they would next carry their operations into the country of the Vizier and even into the Company’s own possessions.”* Hastings held the opinion, and it was supported by the evidence of Colonel Leslie, Major Hannay, and Colonel Champion, that the Vizier’s state joined to Rohilcund would form “*a complete compact state shut in effectually from foreign invasions.*”† He, however, clearly saw that convenience does not justify aggression, for he wrote to the Directors: “I own that the convenience of possessing the Rohilla country was not sufficient reason for invading it. I never said it was; but if they had afforded a just provocation for invading these countries, and we saw advantages in invading it, though neither cause was alone sufficient to produce that effect, yet both united would certainly justify it, and the most rigid speculators would approve so fair a conclusion.”† A breach of a treaty has always been regarded by nations as a just provocation for war.

Hastings and his colleagues determined to aid the Vizier, and for the services of the English troops they agreed to accept a payment of forty lakhs, the sum

* *Secret Select Committee’s Proceedings*, 8th December, 1774, vol. i., p. 141.

† *Ibid.*, 16th January, 1775, vol. i., p. 184.

which the Rohilla chiefs had agreed to pay the Vizier for his protection against the Mahrattas.* Macaulay observes: "England now descended far below the level "even of those petty German princes who about the "same time sold us troops to fight the Americans. "The Hussar-mongers of Hesse and Anspach had at "least the assurance that the expeditions on which "their soldiers were to be employed would be conducted "in conformity with the humane rules of civilized "warfare. Was the Rohilla war likely to be so conducted? He well knew what Indian warfare "was. He well knew that the power which he "covenanted to put into Sujah-ul-Dowlah's hands "would in all probability be atrociously abused; and "he required no guarantee, no promise that it should "not be so abused. He did not even reserve to himself the right of withdrawing his aid in case of "abuse, however gross."† The German princes had no interest, direct or indirect, in the American war. The English lent their troops to an ally to punish certain chiefs for a breach of a treaty to which the English Commander-in-Chief had affixed his signature, and to annex a territory which these chiefs had gained possession of by the sword, and could no longer defend from a foe whose ambition menaced the safety of our dominions. Hastings never concealed the fact that the payment of forty lakhs by the Vizier to the Company for the service of their troops greatly influenced his decision. Writing to the Directors, he

* In his report to the Council at Calcutta on the 4th of October, 1773, Hastings says: "He had certainly just grounds of resentment "against the chiefs of this nation, who had not only failed in their "engagement to pay him forty lakhs of rupees for his protection "against the Mahrattas, but had actually supplied them with money "when they appeared in arms against him."

† Macaulay, *Essay on Warren Hastings*.

said: "I shall be always ready to profess that I do
 "reckon the probable acquisition of wealth among my
 "reasons for taking up arms against my neighbours. I
 "never in any period of my life, though long engaged
 "in public affairs, gave my consent for taking up arms
 "in an *unjust cause*, and I never shall but in cases of
 "very notorious enormity give my consent to take up
 "arms in an *unprofitable one*."* Regarding the charge
 first brought by Francis and repeated and embellished
 by Macaulay that Hastings took no guarantee from
 the Vizier that the war should be conducted in con-
 formity with the humane rules of civilized warfare,
 Hastings at the time wrote: "It is a perversion of
 "facts to say that 'the British arms and honour were
 "'absolutely at the Vizier's disposal,' that 'an absolute
 "'surrender has been made of the honour and interest
 "'of the Company.' We agreed to assist him in
 "subduing the Rohillas. It was necessary to draw
 "the line between the authority of the Vizier and our
 "Commanding Officer. The service to be performed
 "was entirely the Vizier's; it was therefore consistent
 "and unavoidable that he should direct the objects of
 "it; but the execution of military operations was
 "expressedly vested in our Commanding Officer; of
 "course, the safety of our army and the honour of the
 "British name and arms were entirely confided to his
 "conduct and discretion."†

It was the Commanding Officer, Colonel Champion,
 to whom, as Hastings pointed out, the honour of the
 British name and arms was entirely confided, who
 either through personal animosity or the desire of
 persuading the Board to grant him the power which

* *Secret Select Committee's Proceedings*, 16th January, 1775, vol. i.,
 p. 184.

† *Ibid.*, p. 182.

he repeatedly solicited to entirely command the Vizier, first brought the graver charges against the Nawab which have tarnished the honour of the British name. The evidence, however, of Colonel Leslie and Major Hannay, strictly corroborated by the letters and depositions of Colonel Champion himself, proves that the Vizier was unjustly traduced in the reports which prevailed of the enormities committed by him in the course of the war. Macaulay, with the tendency to exaggerate which so seriously impairs the value of his work as a historian and critic, observes: "Their military resistance crushed, his (Hastings') duties ended; and he had then only to fold his arms and look on while their villages were burnt, their children butchered." A certain number of villages were burnt. This, as Hastings admits, was both barbaric and impolitic, but too much justified by the practice of war established among the nations of the East; and he might have added nations of the West. The statement made that children were butchered is absolutely due to the imagination of Macaulay and to his love of contrast. Macaulay also infers that a wholesale violation of the women took place by the soldiery. But the charge was never brought against the soldiery; it was brought against the Vizier himself, and respecting this Hastings wrote: "The only authority which the gentlemen of the majority had for this horrid accusation—at least I recollect no other—was a letter from Mr. Nathaniel Middleton, who mentioned it only as an instance of the falsehoods which had been propagated to injure the Vizier, adding that the unhappy victims of his brutal lust, who could not survive their shame, but had put a violent end to their own lives, were still living, and that the Vizier had never seen them."* History

* *Secret Select Committee's Proceedings*, 16th Jan., 1775, vol. i., p. 181.

furnishes no more striking example of the growth and vitality of a slander. The Rohilla atrocities owe their birth to the malignity of Champion and Francis; their growth to the rhetoric of Burke; and their wide diffusion to the brilliancy and pellucid clearness of Macaulay's style.* A close and minute study of the evidence demonstrates that a certain number of villages were burnt and that the prisoners were ill subsisted. A hundred thousand people did not fly to pestilential jungles, but about seventeen or eighteen thousand Rohillas with their families were expelled from Rohilcund, and Hindu inhabitants, amounting to about seven hundred thousand, remained in possession of their patrimonial acres and were seen cultivating their fields in peace.†

* Sir John Strachey writes: "The only defect I can find in this perfectly just judgment is that in pronouncing it Mr. Forrest has forgotten the history of James Mill" (Sir John Strachey, G.C.S.I., *Hastings and the Rohilla War*, p. 233). James Mill deluded Macaulay, but their diffusion is due to the *Essay on Warren Hastings*, in which Macaulay reached the highest point of his literary skill.

† Hamilton, *History of the Rohilla Afghans*, p. 268.

Mill lays considerable stress on the use of the word *exterminate* in the official correspondence. Regarding this Hastings wrote: "I am here charged with a concealed design formed in concert with the Vizier to *extirpate* the Rohillas; and much use is made of this discovery both by the majority in the letter before me and by Colonel Champion in his vindication. The word in the original language of the letter which is here translated to *extirpate* means expel or remove. In another passage of the letter it is joined with a word which does literally express to extirpate or root out, and both passages mean no more than that it was the intention of the Vizier to expel or remove the Rohillas from the country which they occupied, without suffering the smallest vestige of their power to remain in it. In this sense I most certainly did agree to assist the Vizier, and so did the late President and Council, nor can I conceive how the war could have been undertaken with any other object. The majority know as well as myself that the Rohillas are not the people of the country, but a military tribe who conquered it, and quartered themselves upon the people without following any profession but that of arms, or mixing in any relation with the native inhabitants."—*Secret Select Committee's Proceedings*, 8th March, 1775, vol. ii., p. 268.

At a meeting of the Board on the 6th February 1775 a letter was read from the Resident at Oudh announcing the death of the Vizier. The majority of the Council considered all the treaties made with the Nawab as purely personal, and consequently invalid on the death of one of the contracting parties. They therefore determined to make a heavier bargain with the Vizier's successor. At a meeting of the Board on the 3rd March it was discussed and determined what part of the Nawab's dominions should be included in the new treaty. Francis stated: "My opinion is that we may "with propriety guarantee to the present Nawab of Oudh for his life all the countries guaranteed to the late Vizier by the treaty of Illahabad, except the dominions of Chayt Singh. I think that this guarantee may be also conditionally, and *pro tempore*, extended to the countries of Oudh and Illahabad, until we shall be informed whether the treaty of Benares be ratified or disproved by the Court of Directors. I do not think it safe or prudent to enter into any engagement that may eventually carry the Company's forces beyond the limits of the countries I have mentioned." Hastings observed: "My answer to the question is short, as it can be of no use; we ought in my judgment to guarantee to the Nawab of Oudh the Subehdary of Oudh, the districts of Corah and Illahabad, and the country lately conquered from the Rohillas, but no more. I do not wish to see the Company's forces carried within the line of the Rohilla country for its defences; I believe that an engagement to defend the country for him would render it unnecessary. I fear he may lose it. We shall in that case have a greater burden imposed upon us in the defence of the Nawab of Oudh, and he be less furnished with means of discharging his engage-

Death of
the Vizier
of Oudh.
Treaty
with his
successor.

"ments with us."* It was, however, "resolved that "the Board will agree to guarantee to the Nawab "Mirza Amaunay the province of Oudh and condition- ally those of Corah and Illahabad until the pleasure "of the Court of Directors on the treaty of Benares be "known."† The Governor-General then proposed the following question: "Whether it shall be made a "condition of the new treaty that Raja Chayt Singh "shall exercise a free and independent authority in his "own dominions, subject only to the payment of his "tribute;"† and it was resolved in the affirmative. The Governor-General then proposed: "Whether it "shall be made an article in the treaty that, in con- sideration of the engagement to be entered into by "this Government to guarantee the possessions of the "Nawab of Oudh as before resolved, he shall cede and "make over to the Company the whole or any part of "the tribute due from the zemindar of Ghauzipore."† Francis stated: "I consider the cession to the Com- pany of the whole tribute paid by the zemindar of "Ghauzipore to the late Nawab as the first and most "essential condition of a treaty with the present "Nawab: the advantage gained by the zemindar will "be also very considerable, as it has always been my "opinion that his authority in his own Government "should be left free and uncontrolled; as long as this "advantage is preserved to him he must consider it as "his interest to be the tributary of the Company "rather than of the Nawab."†

Colonel Monson and General Clavering, as was their wont, supported Francis, but Barwell strongly protested against the exaction. He observed: "The Company,

* *Secret Select Committee's Proceedings*, 3rd March, 1775, vol. ii., pp. 262, 263.

† *Ibid.*, p. 264.

“it is obvious, never intended that upon the necessities of our allies we should grasp at any part of the territories they possessed. The son of a man with whom we were so lately intimately connected, upon a supposition of his standing in need of our assistance, ought not in my opinion to be stripped of any part of his paternal territory.”* Hastings was of opinion that a demand should be made of a moiety of the revenue paid by the zemindar of Ghauzipore, but I do not think that we ought to insist on this article, or that the Nawab’s refusal to consent to it should prove an impediment to our proceeding on the treaty.”† It was resolved “that the demand be made for the tribute of Ghauzipore, but that it be not considered an absolute and indispensable article in the negotiation with the Nawab.” The Governor-General proposed the next question: “Whether the subsidy to be stipulated for the assistance of our troops to the Nawab of Oudh by the proposed treaty shall continue on the present footing of ₹2,10,000 per month for a brigade, or what other sum shall be demanded.” And he expressed an opinion that the present subsidy was sufficient and that it ought not to be increased. “I doubt,” he stated, “whether a larger sum would in reality prove a gain to the Company.” It was, however, “resolved that an increase of the subsidy be demanded from the Nawab to make it equal to the expense of the troops.”‡ Thus we find the statesman who has been branded as the violator of treaties and the oppressor of nations by extortions and exactions doing his utmost to prevent his colleagues from extorting any concession

* *Secret Select Committee’s Proceedings*, 3rd March, 1775, vol. ii., p. 264.

† *Ibid.*, p. 265.

from a native prince inconsistent with a former treaty.

The majority of the Council, no longer content with attacking Hastings' public policy, now lent their aid to a grave imputation on his personal integrity. On the 11th March 1775 Francis informed "the Board that he "this morning received a visit from Raja Nundcoomar, "in which the Raja delivered to him a letter addressed "to the Governor and Council, and demanded of him, "as a duty belonging to his office as a Councillor of "this State, to lay it before the Board. Mr. Francis "conceiving that he could not, consistently with his "duty, refuse such a letter at the instance of a person "of the Raja's rank, did accordingly receive it, and "now lays it before the Board, declaring at the same "time that he is unacquainted with the contents of it. "Mr. Francis further begs leave to observe that he "received this letter publicly in the presence of a "considerable number of persons, and that the Raja's "verbal request was interpreted to him by these "different persons."*

The letter laid before the Board professed to relate the connexion of Nundcoomar with the company. It was due to him, he stated, that Meer Jaffir had waged war against Meer Cassim after the massacre of Patna; and after the defeat of Meer Cassim and Sujah-ul-Dowlah at Buxar he had obtained "from His Majesty "the King Shah Alum the Subahs (of Bengal, etc.) for "the Nawab Jaffir Ali Khan"; during the Nawab's lifetime he had faithfully distributed the revenue; after the death of Meer Jaffir he was deprived of his office by certain Englishmen who "for views of private "advantage raised Mahomed Reza Khan to the post";

* *Secret Select Committee's Proceedings*, 11th March, 1775, vol. ii., p. 298.

he reminds the Board that for the space of seven years Mahomed Reza managed the affairs of the Subah of Bengal; "what the measures were which he pursued "in the administration of the country, the balances "which he fraudulently wrote off, his violence and "oppressions upon his own masters and upon the ryots "and his trade in grain, by all which his master's "house and the whole country were desolated, are "well known to all." Against Nundcoomar himself "Mahomed Reza could bring no charge: "as nothing "of the kind had been committed by me, he was able "to produce nothing." It was Nundcoomar who assisted Hastings, when he was appointed Governor, in prosecuting Mahomed Reza Khan and Shitab Roy, and drew an account of their embezzlements which showed that Mahomed Reza Khan had appropriated upwards of 305 lakhs (£3,052,695) and Shitab Roy 90 lakhs (£900,000). Mahomed Reza Khan offered 10 lakhs (£100,000) to Hastings and two lakhs (£20,000) to him (Nundcoomar), and Shitab Roy offered four lakhs (£40,000) to Hastings and one lakh to Nundcoomar. These offers he reported to Hastings, who refused them. Soon after, he remarks, Hastings set Mahomed Reza at liberty and "entirely dropt the inquiry into his "embezzlements and malpractices." "Why this extraordinary favour was so suddenly shown, the Governor "can best assign the reasons."* Shitab Roy was reinstated in office. "The motives of these proceedings "will best be understood from Mr. Hastings himself."† After insinuating some other charges against Hastings, Nundcoomar adds: "Thus far I have written in "general terms. I shall now beg leave to offer a more

* *Secret Select Committee's Proceedings*, 11th March, 1775, vol. ii., p. 300.

† *Ibid.*, p. 301.

"particular circumstantial statement of facts." He then states that at various times in the year 1772 Hastings had received the sum of three lakhs and fifty-four thousand rupees from himself and Munny Begum "for procuring Raja Goordass's appointment to the "Niabut and causing Munny Begum to be made the "superior of the family."* It is difficult to read the letter of Nundcoomar without agreeing with Lord Thurlow that "a more extraordinary or a more insolent "production never appeared, undoubtedly, nor one which "carried falsehood upon the face of it more strongly."

After the letter had been read through, Hastings observed: "As Mr. Francis has been pleased to inform "the Board that he was unacquainted with the contents "of the letter sent into the Board by Nundcoomar, "that he thinks himself justified in carrying his "curiosity further than he should have permitted "himself without such a previous intimation, and "therefore begs leave to ask Mr. Francis whether "he was before this acquainted with Nundcoomar's "intention of bringing such charges against him before "the Board." Francis replied: "As a member of this "Council I do not deem myself obliged to answer any "questions of mere curiosity. I am willing, however, "to inform the Governor-General that I was totally "unacquainted with the contents of the paper I have "now delivered into the Board till I heard it read. I "apprehended in general that it contained some charge "against him. It was this apprehension that made me "so particularly cautious in the manner of receiving "the Raja's letter. I was not acquainted with Raja "Nundcoomar's intention of bringing in such charges "as are mentioned in the letter."*

* *Secret Select Committee's Proceedings*, 11th March, 1775, vol. ii., p. 303.

At a meeting of the Board held on the 13th March 1775, a further letter from Nundcoomar was received and read. After referring to his former letter he states: "What is there written I mean not in the least to alter: far from it, I have the strongest written vouchers to produce in support of what I have advanced, and I wish and entreat for my honour's sake that you suffer me to appear before you to establish the fact by an additional incontestable evidence."* Nundcoomar was too well acquainted with official etiquette and oriental custom not to know that his request was an act of gross impertinence, and that to grant it would be an insult to the Governor-General and the death-blow to his prestige and authority in the eye of every native in Bengal. But Nundcoomar knew when he made the request that it would be pleasing to the majority and certain to be granted. He had been in intimate communication with Colonel Monson, and immediately after his letter had been read Colonel Monson proposed "that Raja Nundcoomar be called before the Board." Hastings upon this proceeded to write a minute in which he declared that he would not suffer Nundcoomar to appear before the Board as his accuser. "I know what belongs to the dignity and character of the first member of this Administration. I will not sit at this Board in the character of a criminal, nor do I acknowledge the members of the Board to be my judges. I am induced on this occasion to make the declaration that I look upon General Clavering, Colonel Monson, and Mr. Francis as my accusers. I cannot press this in the direct letter of the law, but in my conscience I regard them as such, and I will give my reasons for

* *Secret Select Committee's Proceedings*, 11th March, 1775, vol. ii., p. 304.

"it."* Hastings goes on to show that Nundcoomar was only a tool in the hands of the majority, "that he "was guilty of great insolence and disrespect in the "demand which he made of Mr. Francis, and that it "was not a duty belonging to the office of a Councillor "of this State to make himself the carrier of a letter "which would have been much more properly com- "mitted to the hands of a peon or hercarrah, or "delivered by the writer of it to the Secretary him- "self."† He points out that Francis acknowledged that it contained a charge against him, but if the charge was false it was a libel.‡ "It might have been false "for anything that Mr. Francis could know to the "contrary, since he was unacquainted with the contents "of it. In this instance therefore he incurred the "hazard of presenting a libel to the Board. This was "not a duty belonging to his office as a Councillor of "this State." Hastings proceeds to inform the Board that he had been long acquainted with Nundcoomar's intention of making the attack upon him. He writes: "I was shown a paper containing many accusations "against me, which I was told was carried by Nund- "coomar to Colonel Monson, and that he himself was "employed for some hours in private with Colonel "Monson explaining the nature of these charges." He adds—"I do not mean to infer from what I have said "that it makes any alteration in the nature of the

* *Secret Select Committee's Proceedings*, 11th March, 1775, vol. ii., p. 305.

† *Ibid.*, 13th March, 1775, vol. ii., p. 305.

‡ *Ibid.*, p. 306.

"The term of the expression here is peculiar. It implies an admission that the charge was true, though it might have been false; but this can hardly have been the writer's meaning. I read "it rather as an argument founded on a concession (for the sake of "argument) that the charge was true."—Sir James FitzJames Stephen, *The Story of Nuncoomar*, vol. i., p. 53.

"charges were they delivered immediately from my
 "ostensive accusers, or whether they came to the
 "Board through the channel of patronage, but it is
 "sufficient to authorise the conviction which I feel in
 "my own mind that these gentlemen are parties in the
 "accusation of which they assert the right of being the
 "judge." Hastings closes the minute by stating his
 inflexible determination not to suffer the indignity of
 allowing Nundcoomar to accuse him before the govern-
 ing body of which he was the head. "The Chief of
 "this administration, your superior, gentlemen, ap-
 "pointed by the Legislature itself, shall I sit at this
 "Board to be arraigned in the presence of a wretch
 "whom you all know to be one of the basest of man-
 "kind? I believe I need not mention his name, but it
 "is Nundcoomar! Shall I sit to hear men collected
 "from the dregs of the people give evidence at his
 "dictating against my character and conduct? I will
 "not. You may, if you please, form yourselves into a
 "Committee for the investigation of these matters, in
 "any manner which you may think proper, but I will
 "repeat that I will not meet Nundcoomar at the Board
 "nor suffer Nundcoomar to be examined at the Board;
 "nor have you a right to it, nor can it answer any
 "other purpose than that of vilifying and insulting me
 "to insist upon it."*

Monson requested that the Governor-General would
 inform the Board from whom he had his information
 respecting the visit Nundcoomar paid to him. Hastings
 refused to give up the name, because he would not
 expose his informant to the vengeance of the majority.
 He added, however, that Barwell had received similar
 information at the same time. Barwell informed the

* *Secret Select Committee's Proceedings*, 13th March, 1775, vol. ii.
 p. 306.

Board "that he was apprised of it, and received a copy "of the same paper that the Governor laid before the "Board." The paper was entered by the Board after the consultation. It is substantially the same as the letter laid before the Board by Francis, though in it Nundcoomar makes no mention of having himself bribed Hastings. Incorporated in the paper is a letter purporting to be written by Munny Begum, which is identical with both the letters produced by Nundcoomar. Monson said: "As the Governor-General has not "thought proper to acquaint the Board from whom he "received the information with regard to my conversa- "tion with Nundcoomar, I shall take no further notice "of it." He added, "I do hereby declare that the "Governor and Mr. Barwell likewise have been totally "misinformed, for I never heard nor saw any paper in "Persian or any other country language which con- "tained to the best of my knowledge any accusation "against the Governor-General."* "This," Sir James Stephen remarks, "admits by not denying a conversa- "tion with Nuncomar, and suggests that Monson did "see or hear a paper in English."

The motion of Monson to call in Nundcoomar being put to the Board, Hastings again protested against it. He said, "I do not understand the question to be "whether Nuncomar shall be called before the Board, "but whether I shall be confronted with him, since the "same effect may be produced, as I have declared "before, by a Committee of the Board without my "presence." It was resolved "that Nundcoomar be "called before the Board, and the Secretary is ordered "to summon him accordingly."† Then occurred the following scene:—

* *Secret Select Committee's Proceedings* 13th March, 1775, vol. ii., p. 306.

† *Ibid.*, p. 307.

"THE GOVERNOR-GENERAL.—I declare the Council now dissolved, and I do protest against any acts of it as a Council during my absence as illegal and unwarranted.

"MR. FRANCIS.—I beg leave to ask the Governor-General whether he means to quit the chair.

"THE GOVERNOR-GENERAL.—I shall not answer your question, because I do not think it is sufficiently defined. I quit the Council.

"MR. BARWELL.—I think the Governor said he dissolved the Council; it is now five o'clock in the evening. The Governor, as I understand him, did not say, 'I quit the Council,' but that 'I leave it.' I esteem the Council as dissolved, and unless I receive a summons agreeable to the usual form from the Governor-General, whose office still exists, and is not vacated, I do not propose to partake in the debates.

"Mr. Barwell withdraws from the Board."

General Clavering, in compliance with the resolution of the majority, having taken the chair, Nundcoomar was called in, and Colonel Monson moved that he be desired to deliver to the Board what he has to say in support of his charge against the Governor-General. He replied: "I am not a man officiously to make complaints, but when I perceived my character, which is as dear to me as life, hurt by the Governor's receiving into his presence Juggut Chund and Mohun Pershaud, who are persons of low repute, and denying me admittance, I thought it incumbent upon me to write what I have. Everything is contained in the letter which I have given in, besides which I have papers which, if the Board orders me, I will deliver up." Being called upon for these papers, he delivered the translation of a letter from Munny Begum, dated 2nd September 1772. In it the Begum states that in gratitude for her advancement to the Nizamut she offered Hastings a present of a lakh of rupees. Hastings refused, but when she pressed the matter he said that Nundcoomar had promised two lakhs. "I guessed, my friend, that this two lakhs was a part of the three lakhs about which I wrote to you in a letter I

"despatched with Kiam Beg and of which I sent you word by Juggut Chund."* The Begum proceeds to state that she feared if she said anything about the matter "all that your kindness had done for me would be entirely destroyed and lose its effect." She therefore sent word to the Governor that she had given Nundcoomar a general authority "to do whatever was judged requisite and expedient for my advancement and the fooling of my enemies," and that she considered herself bound to discharge what Nundcoomar promised. "I therefore begged that he would accept one lakh of rupees here, and told him that I would draw upon you for the other lakh which you would deliver to him at Calcutta. I was so fortunate to meet with the Governor's concurrence in this proposal. Your interest and mine are the same, and we are partners of each other's prosperity and adversity. Presuming upon this, I request that you will lend me upon honour the sum of one lakh of rupees, which you will be kind enough to pay to the Governor when he returns to Calcutta. I am raising one lakh of rupees which I shall here present to the Governor, and shall repay the sum with which I depend upon you supplying me in a few days by the means of Raja Goordass. I earnestly entreat that you will not upon this occasion entertain any doubt of me."† The letter closes with a strong injunction to secrecy.

Nundcoomar being asked if he possessed the original of the paper, produced what he said was the original of the translation. Mr. Auriol, the Assistant Secretary, being asked to look at the characters on the seal and

* Sir James FitzJames Stephen remarks : "This allusion was not explained by Nuncomar, nor did he produce any letter as being the one referred to."—*The Story of Nuncomar*, vol. i., p. 56.

† *Secret Select Committee's Proceedings*, 13th March, 1775, vol. ii., p. 309.

inform the Board what they are: "he informs them "the characters are Persian and express the name of "Munny Begum." Sir John D'Oyly, the Acting Persian Translator, having now arrived, was called in and shown the seal. "He also declares it to be Munny "Begum's." This expression, as Sir James Stephen remarks, shows how ill-fitted the Council were for taking evidence. "D'Oyly's statement goes much "further than Auriol's, but the writer of the consultations seems to have considered them equivalent to "each other." The moonshee to the Persian Translator being asked whether another letter from Munny Begum which was produced by Sir John D'Oyly from the Persian office was in the same handwriting as that delivered by Nundcoomar, replied that it was not, but "that the seal of the letter is Munny Begum's seal, and "that the direction and body of the letter appear to be "in the same hand." It was observed by the Board "that the letter which has been given in by the Raja "was written two and a half years ago, and that the "letter produced by Sir John D'Oyly was written only "a few days ago." The spirit shown by such a remark is noticeable. The Council, who had taken upon themselves judicial functions, as soon as a difficulty appears in Nundcoomar's case, suggest an answer to it instead of inquiring into its weight.*

Nundcoomar, who had requested to be summoned before the Board because he had the strongest written vouchers to produce in support of what he advanced, on being asked if he had any more papers to produce, replied—"I have no more papers." He was then further questioned whether the Governor-General or any other person on the part of the Governor-General

* Sir James FitzJames Stephen, *The Story of Nuncomar*, vol. i., p. 58.

had attempted to obtain from him the original letter. He replied—"The Begum applied to me for it through " Cantoo Baboo, the Governor's banian. I gave it into " Cantoo Baboo's hands to read it, and on being refused " the original, he desired that he might take a copy of " it to send to the Begum. I told him he might copy " it in my presence, but it being then late in the " evening he said he would defer copying it till another " day."* The questions obviously suggest that Nund-

* "The only questions put to Nuncomar by the Council were " either trivial or were questions which he must have suggested " himself, though if they had allowed themselves time to study the " letter said to be written by the Begum, and to compare it with " the written accusation of Nuncomar, the Council must have perceived that on several points there was urgent need of inquiry. " The story told in the letters does not on its face agree with the " charge made by Nuncomar. Nuncomar said he had given " Hastings in gold 1,04,105 rupees, and that the Munny Begum had " given him at Moorshedabad a lakh, and had caused Nur Singh, " Cantoo Baboo's brother, at Cossimbazar, to pay him a lakh and " half more, making in all 3,54,104 rupees.

"The letter says that the Munny Begum was to pay two lakhs, " and that she was raising one lakh to pay to Hastings at Moor- " shedabad, and it begs Nuncomar to pay the other lakh to " Hastings at Calcutta, and promises to repay him.

"Upon this Nuncomar should have been asked whether he did " what the Munny Begum asked him, and whether the 1,04,105 " rupees which he said he gave in gold to Hastings at Calcutta was " the lakh which the Munny Begum asked him to advance? If he " said yes, his statement and the statement in the Begum's letter " were in direct conflict; for, according to the letter, the total " amount paid or caused to be paid by the Begum was two lakhs, and " according to his statement the amount was three lakhs and a half. " If he said no, two questions arose, namely, first, on what considera- " tion the 1,04,105 rupees in gold were paid, and, secondly, how the " letter of the Begum could be reconciled with his accusation, the " letter stating the Begum was to pay one lakh at Moorshedabad, " and expressing a wish to borrow another from Nuncomar to be " paid at Calcutta, and the accusation stating that one lakh was paid " at Moorshedabad, and another lakh and a half to Nur Singh at " Cossimbazar, the suburb of Moorshedabad? I do not say that " these questions might not have been satisfactorily answered, but I " do say that they ought to have been asked, for they arise upon " matters patent on the face of the document accepted by the " Council. Apart from this the majority of the Council did not

coomar must have been in previous collusion with the majority or some member of the majority, for there was nothing to suggest it in his previous letters or statements. Its object was to furnish an excuse of offering a fresh insult to Hastings by summoning his head native secretary before the Board. He was summoned to attend, but replied—"The Governor is at present here, and I am with him. He prevents me, for which reason I cannot go. When the Council is complete, if I am summoned I will attend."* The Council held "that he was guilty of a high indignity to this Board." Nundcoomar was further questioned whether he himself was present when the money was given to Hastings' servants, and he replied in the affirmative and stated that he was accompanied by certain servants of his own. All were present, he mentioned, in Calcutta, except one who was at Moorshedabad. On being questioned whether he was sure that the servants received the money on account of the Governor, he replied—"They undoubtedly took it for the Governor. I asked the Governor if it had reached him, and he said, it had." This closed the examination of Nundcoomar, an examination entirely conducted not to elicit

"observe the most obvious and common precautions. They took no steps to ascertain the authenticity of the letter attributed to the Munny Begum beyond comparing the inscriptions on two seals. They did not even impound the alleged original, but returned it to Nuncomar. They did not even send for the persons alleged by Nuncomar to have delivered and received the bags of gold, nor did they ask Nuncomar a single question as to the time when, and the place where, the gold was delivered; the persons from whom he got so large a sum, the books in which he had made entries about it, the place and time of his alleged conversation with Hastings on the subject, or any of the other obvious matters by which his truthfulness might be tested."—Sir James FitzJames Stephen, *The Story of Nuncomar*, vol. i., pp. 60-62.*

* *Secret Select Committee's Proceedings*, 13th March, 1775, vol. ii., p. 310.

truth, but to extract answers damaging to the accused. The Board did not cross-examine Nundcoomar as to the time and place where the gold was delivered, the persons from whom he got so large a sum, the books in which he had made entries about it, the place and time of his alleged conversation with Hastings on the subject, or any of the other obvious matters by which his truthfulness might be justified. They did not examine Nundcoomar as to the grave discrepancies between his accusation and the letter of the Begum. But on the evidence of Nundcoomar, an avowed accomplice, who was known to be the bitter foe of Hastings, the Board came with indecent haste to the conclusion "that the several sums of money specified in Maharaja Nundcoomar's letter of the 8th March have been received by the Governor-General, and that the said sums of money do of right belong to the East India Company."* It was resolved "that the Governor-General be requested to pay into the Company's treasury the amount of those sums for the Company's use."

It was "ordered that the proceedings of the Board and all the papers relative to Maharaja Nundcoomar's charge against the Governor-General be delivered to the Company's attorney, that he may lay them before counsel for their opinion how to proceed in recovering for the Company's use the several sums of money which the Governor-General has received from Maharaja Nundcoomar or Munny Begum for services done them through his influence." The law officers of the Company in Bengal did not recommend any prosecution in India, but advised the Board to transmit all the documents and evidence to the Company, who might, if the matter was worthy of their notice, file a bill

* *Secret Select Committee's Proceedings*, 13th March, 1775, vol. ii., p. 311.

against Hastings and compel a discovery. "These documents," said Lord Thurlow, "arrived at a time when it certainly was the anxious wish of the Minister to take any fair and reasonable ground he could for the removal of Mr. Hastings. The papers were all submitted to the law officers of the Company, who declared that the information of Nundcoomar, even upon the *ex parte* case before them, could not possibly be true. The reasons for that belief were assigned at length. The Directors, though a majority of them were very well disposed to oblige the Minister, concurred with their law officers, and all that rubbish and trash remained unnoticed from 1776 to the year 1789, when, as Your Lordships know, it was repeatedly mentioned to you by the managers, as containing proofs of the corruption of Mr. Hastings, and it was very properly rejected by the Court. It was never pretended by the managers, that they had evidence to go a step beyond this rejected information of Nundcoomar."

The accusation brought against Hastings by Nundcoomar formed part of the seventh article of impeachment against him. The minute which he wrote at the table of the Board was regarded by his accusers as bearing marks of conscious guilt. The learned judge, whose statement of the case is a masterpiece of comprehensive exposition, writes—"It certainly bears marks of strong excitement, and though I should not go so far as Sir Gilbert Elliot and Burke in thinking it inconsistent with innocence, I think it suggests that there was something to explain."* The matter which Hastings did not explain was the fact that of the three and a half lakhs Nundcoomar accused him of receiving from Munny Begum he had received one and a

* Sir James FitzJames Stephen, *The Story of Nundcoomar*.

half lakhs as a sumptuary allowance, which was entered in the public accounts of the Nawab's treasury. In the May following (1775), when the Board deputed Mr. Goring to examine the disbursements of various sums in several departments at Moorshedabad, and to deprive Munny Begum of her office and authority, she was questioned regarding the transaction and declared that "every Governor coming to Moorshedabad received "two thousand rupees a day in lieu of provisions, beyond "that she had not given a single cowrie, and every "payment would appear on the record." At the trial of Warren Hastings the managers of the impeachment having summoned the auditor of the India Office, he read from a book of public accounts a statement of the allowance made at Moorshedabad to Lord Clive first and next to Mr. Verelst, when they were Governors, which confirmed the truth of the Begum's declaration that every Governor at Moorshedabad received the same allowance as Hastings. It would, no doubt, have been wiser if Hastings had stated in his minute that he had received a lakh and a half of rupees as a sumptuary allowance; but the minute, it must be borne in mind, was written in the Council Chamber at a moment of great excitement. Hastings had to encounter the deliberate and guarded attacks of his enemies by the instant and unpremeditated impulse of his own judgment. "Do not," he writes to his masters, "wonder, "therefore, Hon'ble Sirs, if my behaviour in any part "of these disputes shall appear to you defective or "improper. I am not yet conscious of any impropriety in "it, but I think that on many occasions I could have "provided myself with a much completer plan of defence "had I been allowed the same leisure and tranquillity "to form it as my opponents possessed in concocting "that of their attacks upon me."

Burke inveighed bitterly against Hastings for calling Nundcoomar a miscreant. "If, therefore," he said, "Raja Nundcoomar was a man who (it is not degrading "to your Lordship to say) was equal in rank, according "to the idea of the country in which he lived, to any "peer in the house, as sacred as a bishop, of as much "gravity and authority as a judge, and who was prime "minister in the country in which he lived, with what "face can Mr. Hastings call this man a wretch, and say "that he will not suffer him to be brought before him?" Hastings had better opportunities than Burke of forming an estimate of the character of Nundcoomar, and had solid reasons for describing it in harsh language. Thirteen years before Nundcoomar brought his accusations against Hastings, Hastings had been employed in investigating a charge of forgery brought against Nundcoomar. Certain traitorous letters were intercepted and brought to Calcutta, but they proved to be forgeries. Hastings was appointed to inquire into the matter, and he came to the following conclusion: "From "several depositions and the circumstances herein "presented the Board will judge on whom to fix the "forgery of the letters in question. One observation "it remains upon me to make, that a fact of this kind, "in which the intervention of more than one person is "not immediately required, can scarce ever admit of a "positive and incontestable proof, though the several "consequent and relative facts may be sufficiently "proved, and point out in the most evident manner the "main spring which set them in motion. In this light "regarding the inquiry before us, I must give it as my "opinion that it appears pretty clearly that there was a "design on foot to compass the ruin of Ramchurn; that "subsequent thereto the letters forged in his name "were intercepted; that the man to whose charge they

“were entrusted was a servant of Nundcoomar’s, and
“that Sudder-odin (a servant of Nundcoomar’s) did
“foretell the disgrace of Ramchurn, and was (by his
“own declaration afterwards) privy to the forgery
“of the letters. I say from these circumstances already
“proved, I am of opinion that the letters were written
“and intercepted by the contrivance and direction
“of Nundcoomar, in order to fix the charge of a
“traitorous correspondence upon Ramchurn.” When
Hastings was first appointed Governor of Bengal,
Nundcoomar sent letters to him at Madras in the
names of the Nawab’s uncle and Munny Begum. The
letters were filled with invectives against Mahomed
Reza Khan and recommendation of himself. Hastings
afterwards found that Munny Begum had no knowledge
of these letters, and she declared the letter stated to
be written by her to be a forgery though it bore her
seal. It was only natural, after the experience of the
past, that Hastings should regard the letter produced
by Nundcoomar as another forgery, though like the
letter forwarded to Madras it bore the Begum’s seal.
“I make no doubt of proving it,” he wrote to a friend ;
“it bears most evident symptoms of it in the long
“tattling story told with such injunction of secrecy and
“a word to the wise pertinently added to the end of it,
“when the sole purpose of the letter was to order the
“payment of a lakh of rupees, and Nundcoomar’s son
“and son-in-law were with the Begum, and daily
“informing him of all that passed.”*

But even if Nundcoomar had borne an unblemished
character, Hastings would have been justified in re-
fusing to submit to the disgrace and mortification of
the head of a Government being accused in person
during the sitting of the Council over which he pre-

* Gleig, *Memoirs of Warren Hastings*, vol. i., p. 515.

sided. Such a procedure must have brought his office into contempt and injured the dignity of station which a man has interest to preserve. It moreover was unnecessary for the purpose either of eliciting truth or of promoting justice. A Committee of inquiry, consisting of the Council without Hastings, would have been equally efficacious for these purposes. Hastings did not dispute the right of his colleagues to make an inquiry into the charges of corruption brought against him, nor did he, as Mill states, "raise any pretences "for stifling inquiry." He only pointed out the mode of conducting it which would be least injurious to the dignity and authority of the Government. As Hastings wrote to the Directors—"Had the majority been "disposed to accept of my proposition of appointing a "Committee for prosecuting their inquiries either into "these or the Ranny's allegations, they might have "obtained the same knowledge and all the satisfaction "in this way that they could have expected from an "inquisition taken by the Board at large, their proceedings would have had the appearance at least of "regularity, and my credit would have been less "affected by them. The only point which they could "possibly gain by persisting in bringing such a subject "before the Board was to gain a public triumph over "me, and expose my place and person to insult."*

The animosity of the majority against Hastings and their desire to insult and degrade him in the most public manner was strikingly illustrated by their treatment of his secretary and agent, Cantoo Baboo. He was a man of high caste and good family, and for many years had taken a leading part in the administration. As the Secretary of the Governor-General,

* *Secret Select Committee's Proceedings*, 22nd April, 1775, vol. ii., p. 348.

he was "considered universally as the first native inhabitant of Calcutta."* Because, acting under the orders of the Governor-General, he did not appear at their first summons before the Board, it was proposed to place him in the stocks, a punishment, as Hastings remarked, "so disgraceful to a man of character and credit as would be an extension of rigour equal to death." General Clavering, in proposing the motion, observed that Hastings had said that if Clavering meant anything personal to him he would make him answer for it with his life. On this Hastings observed: "I said if he attempted anything in his own person and by his own authority, I would oppose it with my person, or personally oppose it at the peril of my life."† The discussion growing dangerously warm, Francis moved an adjournment of the Board, and it was agreed that the Board do adjourn accordingly.

On the 20th of April, at a meeting of the Board, at which the majority only were present, a letter was received from Hastings in which he informed them that "as his attendance at a meeting of the justices at the house of Sir Elijah Impey was required, he requested General Clavering to take his place and direct the despatch of such business as may require it." The majority, after mentioning that they had heard from Mr. Fowke that a charge of conspiracy against that gentleman and his son was being investigated by the justices, stated—"We think it proper to acquaint you that we mean to continue in Council until we shall be apprised of the subject and issue of that inquiry, as we conceive that a conspiracy at the investigation of which you and Mr. Barwell think fit to attend while

* *Secret Select Committee's Proceedings*, 20th March, 1775, vol. ii., p. 320.

† *Ibid.*, 20th April, 1775, vol. ii., p. 324.

“this Council is sitting must be of great moment if not
 “interesting to the safety of the State. We flatter
 “ourselves that you will be pleased to inform us, as
 “soon as possible, of the circumstances and result of
 “the inquiry in which you and Mr. Barwell are now
 “engaged.”*

Hastings in reply wrote :—“Last night I received a
 “letter signed by the Chief Justice and the Judges of
 “the Supreme Court, informing me that a charge had
 “been exhibited upon oath before them against Messrs.
 “Joseph and Francis Fowke, Maharaja Nundcoomar
 “and Radachurn for a conspiracy against me and
 “others; that they had summoned the parties to
 “appear this morning at 10 o’clock at the house of
 “Sir Elijah Impey, and requested my attendance. The
 “like notification was also made to Mr. Barwell. In
 “consequence of this intimation, we have both judged
 “it indispensably incumbent upon us to give our
 “attendance. I am sorry that you should have thought
 “it necessary to continue in Council until you shall be
 “informed of the subject and issue of this inquiry
 “which, I presume, you will perceive to have no
 “relation to the safety of the State, nor to any
 “circumstance that requires your present attention.”†

Charge of
 conspiracy
 against
 Mr. Fowke
 and Nund-
 coomar.

The charge of conspiracy was due to some accusations brought against the accused by one Commaul O Deen.‡

* *Secret Select Committee's Proceedings*, 20th April, 1775, vol. ii., p. 344.

† *Ibid.*, p. 345.

‡ “The prosecution of Nuncomar for conspiracy was regarded by the Council, and was afterwards represented by Burke and Elliot, as a counter-stroke to Nuncomar’s attack upon him, and “no doubt it was so; but why, with Commaul’s evidence before him, “Hastings was not to take the matter into Court I cannot understand.”—Sir James FitzJames Stephen, *The Story of Nuncomar*, vol. i., p. 89.

Impey stated before the House of Commons that “it was in “evidence that Mr. Palk, Judge of the Adalat, had confined Nund- “coomar, and that it was notorious that Mr. Hastings had ordered

The day previous this man had gone to Hastings and complained that Nundcoomar and Mr. Fowke had compelled him by threats to sign a petition stating that he had bribed Hastings and Barwell, and they had also forced him to acknowledge the correctness of a certain account. Hastings referred Commaul O Deen to the Chief Justice, and Sir Elijah Impey and the other Judges, acting in the capacity of Justices of the Peace, summoned the parties and held an examination of the witnesses and defendants. They discharged the son of Fowke and asked Hastings, Barwell, and Vansittart if they meant to prosecute the others, and gave them a night to come to a decision. On the 23rd Hastings, Barwell, and Vansittart declared their intention to prosecute Fowke, Nundcoomar, and Radachurn for conspiracy, and bound themselves over to do so, the defendants being admitted to bail. Hastings resolved on the prosecution "because," as he wrote to his friends, "in my heart and conscience I believe both Fowke and "Nundcoomar to be guilty." At the assizes all the defendants were acquitted of the charge of conspiracy against Hastings; Radachurn was acquitted, and Nundcoomar and Fowke were convicted on the charge of conspiracy against Barwell. The sentence on Fowke

"him to be released. This of itself was sufficient to prevent any "native inhabitant of Calcutta from commencing a prosecution "against him." On this Sir James Stephen remarks: "Palk's "evidence, if he gave any, is not in the report of the trial. The "evidence of Farrer and Boughton Rouse, given before the Impeachment Committee after Impey's defence, does not mention this, and "is hardly consistent with it. I think, therefore, that Impey must "have been mistaken in his assertion." Mr. Beveridge points out that though Palk did not give evidence, Kamal-ud-din did, and he was sufficient authority for Impey's statement. "When was this?" "It was about two months before Mr. Palk confined the Maharaja." —*The Trial of Maharaja Nundcoomar Bahadur for Forgery, published by authority of the Supreme Court of Judicature in Bengal.* London: T. Cadell, MDCCCLXXVI., p. 11.

was fifty rupees fine. No sentence was passed on Nundcoomar because at the time he was lying in the common jail under sentence of death for having committed forgery.

Nundcoomar in the letter accusing Hastings of bribery which was read before the Board complained that "Mohun Pursaud is admitted by the Governor to

Arrest of
Nund-
coomar on
charge of
forgery.

"private conferences both in town and at his gardens."

This Mohun Pursaud was attorney to a certain Bolakee Dass, a banker or native shroff, whose bond or deed Nundcoomar had been found guilty of uttering knowing it to be forged. The deed purported to be the acknowledgment of a debt due to Nundcoomar and contracted some years before by the shroff. The banker died in June 1769, and on the settlement of his affairs a few months after his decease, Nundcoomar's bond was, with the other claims on the estate, settled by the executors. On the bond being paid Nundcoomar cancelled it by tearing it downwards at the top for a couple of inches. This document and others relating to the deceased banker were lodged in the Mayor's Court as a Court of Record. In the year 1772 a suit was instituted in the Court of Kachari or country Court against Nundcoomar for more than a lakh of rupees said to be due to the estate of the banker on account of bonds of the Company. Nundcoomar was committed to prison for contempt of Court and released by Hastings. The Court recommended that the case should be referred to arbitration, but Nundcoomar at first refused to give his assent to this course being adopted, and when he did consent a dispute arose as to arbitration. Matters were in this condition when the Supreme Court of Judicature arrived in Bengal. About a month after their arrival Mr. Farrer, who had arrived about the same time and had been admitted as an

advocate of the Supreme Court, was informed by Mr. Driver, an attorney, that he had advised a client to institute a criminal prosecution against Nundcoomar for forgery, and that his client had agreed to the advice. There was, however, an obstacle in their way. The original papers, without which the forgery could not be established, were lodged in the Mayor's Court, and though the Court were willing to grant copies, the original could not be obtained. "He told me," added Mr. Farrer, "that the Mayor's Court had not been so entirely free from influence as could be wished when proceeding against men of a certain description, such as Nundcoomar, but that, now that a more independent Court was come out, he should advise his client (Mohun Pursaud) to authorize him (Driver) to instruct me to make the same motion before the Supreme Court of Judicature, to wit, for the original papers, that he had himself made before without effect before the Mayor's Court." Mr. Farrer accordingly moved the Court for the papers six weeks before Nundcoomar's accusation was produced at the Board by Mr. Francis, and was obliged to repeat his application twice before he obtained them. Soon after this, on the 6th May 1775, Nundcoomar was charged with forgery before Mr. Justice LeMaistre, who happened to be the sitting Magistrate, as at that time the Judges of the High Court were also the Justices of the Peace. "He requested the assistance of Mr. Justice Hyde, who attended with him the whole day upon the examination which lasted from 9 in the morning till near 10 at night; when *no doubt of his guilt remaining in the heart of either of us* upon the evidence on the part of the Crown, a commitment in the usual form was made out."* c

* *Secret Select Committee's Proceedings*, 10th August, 1775, vol. ii., p. 409.

At a meeting of the Council on the 8th of May 1775 a letter was received from Nundcoomar in which, after recounting his past services, he stated—"My only intention in setting forth the services I have done, and the character I have to an advanced age supported, is to introduce my request that I might not suffer upon such a charge, from the bare accusation, a punishment equal to that of death, the violation of the most sacred duties of my religion. The Hon'ble President, I am well assured, is fully assured of the facts I allude to; it may be requisite to explain to the rest of the Hon'ble Members of the Board that the institutions of our religion enjoin a number of ablutions, prayers, and other ceremonies to be performed by the sect of Brahmins before they can take any kind of food. Nothing of this can be performed in the place where I am now; and could even these obstacles be surmounted, the place itself, as being inhabited by men of a different religion, would prevent my receiving any sustenance, without breaking those rules which I have hitherto religiously observed. I therefore humbly request that I may be permitted to reside, under as strict a guard as may be judged requisite, in some place where these objections may be obviated."*

Letter
from
Nund-
coomar
to the
Board.

Colonel Monson moved that the Sheriff and his Deputy be requested to attend the Board with the warrant of commitment for Nundcoomar's imprisonment. Hastings objected to the motion as an interference with the authority of the Judges of the Supreme Court.

"MR. FRANCIS.—I beg leave to inform the Board that I understand that Raja Nundcoomar, since his commitment to the common

* *Secret Select Committee's Proceedings*, 8th May, 1775, vol. ii., p. 366.

"jail in consequence of the opinion of Mr. Justice LeMaistre exceed-
 "ing the terms of the warrant of commitment, has taken no sus-
 "tenance whatsoever, and that he cannot do it in his present
 "situation without losing caste, which to a man of his high rank
 "and sect is deemed a punishment worse than death. I think the
 "motion made by Colonel Monson perfectly regular and necessary.
 "We cannot take the prayer of the Raja's petition into considera-
 "tion until we are regularly informed by what authority he is com-
 "mitted to the common jail. If it should appear that the warrant
 "does not express a commitment to the common jail, but that such
 "commitment has arisen solely from the extra judicial opinion of
 "Mr. Justice LeMaistre, I then think it may be legally warranted by
 "power of this Board to prevent the death of the Raja by relieving
 "him from the vile confinement under which he has been placed in
 "the same prison with all the felons of Calcutta, and securing him
 "in some other manner under the safe custody of the Sheriff. This
 "I conceive may be done without any infringement of the authority
 "of the Supreme Court of Judicature. At all events my endeavour
 "shall not be wanting, as far as I shall think myself warranted by
 "law, to prevent a man of his high rank perishing in a common jail
 "for want of sustenance which he cannot take without forfeiting a
 "religious rank and purity, which I presume from all that I have
 "heard of the religious customs and prejudices of the Brahmins, to
 "which sect he belongs, may be dearer to him than his life; the
 "Raja has now, I believe, been confined upwards of forty hours,
 "exclusive of the time taken up in his examination.

"THE GOVERNOR-GENERAL.—I beg leave to observe that many
 "things have been asserted which I presume Mr. Francis gives only
 "from report. I have not heard myself that Nundcoomar is con-
 "fined among common felons. I do not believe that by the prin-
 "ciples of his religion his caste can be affected by any habitation
 "that may be allotted him. This is a point of which the heads of
 "the religion are only capable of judging. I understand by a note
 "received this morning from Mr. Durham that the Judges are at
 "this time assembled for the purpose of taking into consideration
 "the plea of Nundcoomar in this particular, and that he was desired
 "by them to apply to me for proper persons to give them informa-
 "tion concerning the effects which his confinement might produce
 "on his caste, or some points of the like nature, and I in consequence
 "directed the Superintendent of the khalsa records to apply to such
 "of the pundits as were in Calcutta, and to desire them to give
 "their attendance on the Judges."*

It was ordered that the Sheriff and his Deputy
 should be immediately summoned. On their attending

* *Secret Select Committee's Proceedings*, 8th May, 1775, vol. ii.,
 p. 366

and being asked for the original warrant for the commitment of Raja Nundcoomar for the inspection of the Board, they delivered it as follows :—

“To the Sheriff of the Town of Calcutta and Factory of Fort William in Bengal and to the Keeper of His Majesty’s Prison at Calcutta. Warrant
of com-
mitment.

“Receive into your custody the body of Maharaja Nundcoomar herewith sent you, charged before us, on the oaths of Mohun Persaud, Cammaul-ud-deen Khan, and others with feloniously uttering as true a false and counterfeit writing obligatory knowing the same to be false and counterfeit in order to defraud the executors of Bollokee Dass, deceased, and him safely keep until he shall be discharged by due course of law.

“Given under our hands and seals this 6th day of May in the year of Our Lord 1775.

“S. C. LEMAISTRE.

“JOHN HYDE.”*

Colonel Monson then asked the Sheriff upon what authority he committed Nundcoomar to prison, and he replied that he was not in town and did not execute the warrant. The Colonel then proceeded to question the Deputy Sheriff as follows :—

“Q.—Did you on this warrant commit Maharaja Nundcoomar to the jail of Calcutta?

“A.—I did.

“Q.—Did you not subsequent to that warrant receive a note from Mr. Justice LeMaistre acquainting you that it was his opinion that Maharaja Nundcoomar should be committed to the common jail?

“A.—On receiving the warrant from Mr. Justice LeMaistre and Mr. Justice Hyde, which has now been read, I was going to order it to be put into execution, but Mr. Jarrett, attorney for Nundcoomar, expressing a desire that he might be sent to some other place than the common jail, and delivering it as his opinion that he might as properly be confined in any other place, the Judges took it under consideration, and, in answer to Mr. Jarrett’s request, told him that they were both of opinion he could be nowhere properly confined but in the common jail, but that for his satisfaction they would ask the opinion of the Lord Chief Justice, to whose house they were then going. In consequence of

* *Secret Select Committee’s Proceedings*, 8th May, 1775, vol. ii., p. 367.

"this I detained Raja Nundcoomar till I knew the Lord Chief Justice's opinion, and soon after received a note signed by Mr. Justice LeMaistre, which I beg leave to produce.

"Upon consultation with the Lord Chief Justice, we are all clearly of opinion that the Sheriff ought to confine his prisoner in the common gaol upon this occasion.

"S. C. LEMAISTRE,"*

Francis then asked the Sheriff whether "he knew what conveniences or accommodation Nundcoomar had in the jail," and the Sheriff replied—"He has a small room in which the jailor used to sleep, who removed his family on that account." The Deputy Sheriff added "that it was without the prison gate and had no communication with the other people in the jail."† A motion was then put by Francis and carried that "the Sheriff and his Deputy be directed to wait on the Chief Justice on the part of this Board and to represent to him the situation of the Raja Nundcoomar, whose religion, as he hath informed this Board, obliges him to deny himself sustenance in the particular circumstances of his present confinement, and to desire that the Chief Justice will consider of granting the prisoner such relief as may be consistent with the strict security of his person to answer to the charges brought against him."‡

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ice to
d. At the meeting of the Council next day, a letter was received from the Sheriff and Under-Sheriff, stating that, in obedience to the commands of the Board, they

* *Secret Select Committee's Proceedings*, 8th May, 1775, vol. ii., p. 368.

† "General Clavering to the Deputy Sheriff—

"Q.—If it is without the gate, it is not in the prison.

"A.—There are two gates to the prison. When I said it was detached from the place where felons and debtors were kept, I did not mean that it was not a part of the prison; the jailor's house is always considered as a part of the jail and adjoins it."—*Secret Select Committee's Proceedings*, 8th May, 1775, vol. ii., p. 370.

‡ *Secret Select Committee's Proceedings*, 8th May, 1775, vol. ii., p. 371.

had waited on the Chief Justice, and laid the circumstances before him; and that he in answer had desired them to inform the Board "that Raja Nundcoomar "was not committed by him, and that he has no "authority to interfere in the affair, there being felony "expressly charged in the warrant."* A letter was also received from the Chief Justice, intimating to the Board that before he had received their message he "had been informed that Nundcoomar had on account "of his religion refused to take sustenance, and that he "had immediately sent his munshy to him to acquaint "him that he had given strict orders to the keeper of "the prison that his confinement should in every "respect be made as easy as possible to him, and to "know from him whence his scruples arose. The "answer returned to me was—*that he could not eat nor "drink in a room where Christians or Mussulmans had "been.* I thought it not proper to refer his case to the "Judges who committed him merely on his suggestion, "and to ascertain the facts I sent for the pundits, who "are the keepers of the consciences and oracles of the "Gentoos." The pundits stated "that it is no easy "matter to lose caste. A Brahmin must eat eight "times of the meal of a Mussulman before he can lose "his caste." The pundits also informed the Chief Justice that they were "unanimously of opinion that if "a straw shed was built in the inside of the prison- "yard separate from any house, the Maharaja after a "month's confinement would be obliged to pay R12 or "thereabouts for the purpose of feasting the pundits "and Brahmins." Impey pointed out that should the claim of Nundcoomar be allowed "it would be a very "heavy burden to the Sheriff should he be obliged to

* *Secret Select Committee's Proceedings*, 9th May, 1775, vol. ii., p. 373.

“provide separate houses for each Brahmin whom it
“might be necessary to confine, and much more so to
“provide a sufficient number of officers to surround
“these houses to prevent escapes. Many Brahmins
“are now in the common gaol. Men of higher caste
“than the Maharaja have been confined there. None
“of them have lost their caste, and this is the first
“complaint of the kind.” The Chief Justice also suggested that the Judges and not the Council were the proper persons to whom Nundcoomar ought to have applied. “I am happy in this instance that the Board
“has given me an opportunity of vindicating the
“Judges from any surmise of rigor or want of
“humanity; but must make it my request that the
“Maharaja may be acquainted by the Board that if he
“has any further application to make for relief that he
“must address himself immediately to the Judges, who
“will give all due attention to his representations, for,
“should he continue to address himself to the Board,
“that which will and can only be obtained from
“principles of justice may have the appearance of being
“obtained by the means of influence and authority,
“the peculiar turn of mind of the natives being to
“expect everything from power and little from justice.
“I know I shall be pardoned the observation, being
“clearly convinced that the Board would be as cautious
“in furnishing grounds for, as the Judges can be
“jealous of incurring, the imputation.”*

The Board replied to Impey's letter as follows: “As
“the Government of the country is vested in us, we
“consider the natives of it as the immediate objects of
“our care and protection. Having received that
“petition from Maharaja Nundcoomar, of which we

* *Secret Select Committee's Proceedings*, 9th May, 1775, vol. ii., p. 375.

"had the honour to send you an extract, we thought
 "ourselves bound, not only by our official duty, but by
 "the obvious dictates of humanity, to communicate
 "it as soon as possible to you. But in order to prevent
 "that deception which you conceive we lay under, we
 "examined the Sheriff and Deputy Sheriff with respect
 "to the circumstances of the Raja's confinement, and
 "afterwards put questions to the persons who act as
 "President of the Caste Cutcherry in this city, by all
 "which we are confirmed in thinking that the facts
 "represented by Raja Nundcoomar were true, and that
 "his refusal to take sustenance was founded on a
 "sincere religious prejudice. We cannot refuse to
 "receive any petitions presented to us, and if they
 "relate to the administration of justice we conceive we
 "are bound by our duty to communicate them to the
 "Judges."* Impey answered that "he did not question
 "the authority of the Board in receiving petitions, but
 "that he carefully restricted what he said to the
 "individual prisoner. I did not desire his petitions
 "should not be received, but when received, if they
 "were to require anything from the Judges of the
 "Court, that the answer given to the petitions should
 "be that he must apply himself directly to the Judge.
 "This I did to avoid the imputation I there alluded to,
 "which would be equally derogatory to the character
 "of the Council as that of the Judges. The particular
 "reason which called upon me in this case to make
 "that requisition was the reports publicly circulated in
 "this town that, if the Judges could not be prevailed
 "upon to release the Maharaja he would be delivered
 "by force. These reports I knew to be groundless;
 "but was apprehensive of the effects of their gaining

* *Secret Select Committee's Proceedings*, 9th May, 1775, vol. ii.,
 p. 377.

“credit, especially in the infant state of the court, before its authority is sufficiently understood or established. It is not sufficient that Courts of Justice act independently; it is necessary for the good government of a country that they should be believed and known to be above all influence.”*

The Council answered that the reports mentioned by the Chief Justice were wholly untrue, and enclosed an affidavit in which they denied that they ever entertained an intention to release Nundcoomar by force. Hastings declined to sign the affidavit, deeming it was unnecessary, but declared his “entire conviction and assurance that no Member of the Board ever conceived an intention of using force for the release of Maharaja Nundcoomar from his imprisonment.”†

On the 8th of June the old Mayor’s Court was thronged by an auditory which had never before assembled in an Indian court of justice. High officials, civil and military, British merchants, and the Bengal Banyan were seen in the sweltering crowd. It was the hottest season of the year, and the thermometer stood between 92° and 98°. The Zemindars and their retainers had flocked into Calcutta to witness the trial of one who before the days of the Company had been the most powerful man in the province of Bengal, and was now considered one of the richest. The Chief Justice, Mr. Justice Chambers, Mr. Justice LeMaistre, and Mr. Justice Hyde were on the bench in their red robes and wigs.‡ The *King v. Nuncomar* was called.

* Sir James FitzJames Stephen writes: “I have not found the answer made by the Council to this letter.”—*Story of Nuncomar*, vol. i., p. 99.

† *Secret Select Committee’s Proceedings*, 16th May, 1775, vol. ii., p. 378.

‡ Macaulay states: “Nuncomar was brought before Sir Elijah Impey and a jury composed of Englishmen.” Macaulay could never have read the trial, or he would have known that Nundcoomar

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The prisoner had the privilege of challenging twenty on the panel, and exercised it in the case of eighteen, reading their names out from a paper in his hand. The jury was sworn. It consisted of the most respectable European inhabitants, some of whom had been long resident in the country and some born in it. Mr. Durham was counsel for the Crown, and Mr. Farrer, the ablest advocate at the bar (with him Mr. Brix), for the defence. After the jury had been sworn, Nundcoomar, through his counsel, objected to Alexander Elliot, "eminently skilled in the Persian and Hindustani languages," acting as interpreter, "as 'being connected with persons whom the prisoner 'considered as his enemies.' Elliot was the friend of Hastings and Impey.

"CHIEF JUSTICE. The principal interpreter of the Court is 'absent. The gentlemen of the jury have heard the interpretation 'of the assistant interpreters on other occasions. Do you, gentlemen, think we shall be able to go through this cause with the 'assistance of these interpreters only?

"JURY. We are sure we shall not be able.

"CHIEF JUSTICE. It is a cruel insinuation against the character of 'Mr. Elliot.

"Here Mr. Elliot begged he might decline interpreting.

"CHIEF JUSTICE. We must insist upon it that you interpret. 'You should be above giving way to the imputation. Your skill 'in the languages and your candour will show how little ground 'there is for it.

"COUNSEL. I hope Mr. Elliot doesn't think the objection came 'from me; it was suggested to me.

"CHIEF JUSTICE. Who suggested it?

"COUNSEL. I am not authorized to name the person."

The person, no doubt, was the prisoner. His counsel and the jury, however, now begged that Elliot would

was tried before Sir Elijah Impey and three other Judges, which makes a very material difference in forming an estimate of the case. Mr. Elijah Impey pointed out this fact in the memoirs of his father, but Macaulay had not the generosity to correct the error into which he was led by Mill. Merivale also makes no mention of Nundcoomar having been tried by four Judges.

act as interpreter. The prisoner was ordered to the bar to be arraigned, but Farrer asked that he should not be put into the dock and made to hold up his hand. The request was denied. The prisoner was arraigned, and the indictment was read. The two chief counts charged Nundcoomar respectively with forging, and with publishing, knowing it to be forged, a Persian deed. Chambers now called for the indictment; it was handed up to him.

"After perusing it for some time," says Farrer in his evidence before the House of Commons, "he expressed himself to the following effect, as well as I am able to recollect it: 'That he had great doubts whether or not the indictment was well laid, being for a capital felony on the 2nd George II.; that he conceived that Act of Parliament was particularly adapted to the local policy of England and to the state of society and manners there, where, for reasons as well political as commercial, it had been found necessary to guard against the falsification of paper currency and credit by laws the most penal. That he thought the same reasons did not apply to the then state of Bengal. That it would be sufficient, and as far as the Court ought to go, to consider Bengal in its then state as upon the same footing that England had been between the statute of 5th Elizabeth and that of 2nd George II.; and that under the clause in the charter, which empowers the Court to administer criminal justice in such and the like manner as justices of oyer and terminer and gaol delivery could or might do in that part of Great Britain called England, or as near thereto as the circumstances and condition of the persons and places would admit of, the indictment might be well laid on the 5th Elizabeth. He therefore proposed from the Bench that that indictment should be quashed, and that the prosecutor might be at liberty to prefer a new one on the 5th Elizabeth, or otherwise as he should be advised.' This, to the best of my recollection, is the substance of what fell from Sir Robert Chambers."

The Judges, however, agreed that English criminal law had been introduced into Calcutta. They also considered the question put forward by Chambers whether Bengal in its then state was upon the same footing that England had been between the same statute of 5th Elizabeth and that of the 2nd George II., and after the

examination of evidence they came to the conclusion that the circumstances which had been considered to make it desirable that forgery should be made capital in England in 1729 existed in Calcutta.* Sir James Stephen remarks: "I think that the real point in Nundcomar's case was not as to the introduction of the English criminal law into Calcutta, but as to the time when it was introduced, whether in 1726 or 1753. This point was not raised at the time, and the rule which raises the question was not laid down till many years afterwards."† It would seem that it was not until 1786 that any doubt was entertained as to whether 2 George II., c. 25, was applicable to India. The result of the case tried in that year, in which that question was considered by three Judges, was that the accused was convicted and punished under the statute. This decision seems to have been followed until the question was again raised in 1794, when it was held that the statute was not applicable to India—that is, to the natives of India.‡ The prisoner's counsel did not press the point as to whether Nundcoomar was liable to the criminal law of England, and the particular point whether the statute was applicable to India does not seem to have occurred to him. This question is, however, totally different to the assertion so often made that Nundcoomar was

* Pitt, in his speech on Impey's impeachment, observed: "Every man who knew anything of India was fully sensible that it was a commercial country, and that much depended upon supporting a paper credit there. It was evident, therefore, that the Act of the second year of King George the Second was as applicable to India as it was to England."

† Sir James FitzJames Stephen, *The Story of Nuncomar*, vol. i., p. 225.

‡ Note with reference to the trial of Maharajah Nundcomar in 1775, prepared for Sir James Stephen, and printed by direction of one of the Judges of Her Majesty's High Court at Calcutta, p. 5.

unjustly executed by an *ex post facto* law. If Nundcoomar had been tried, at the time the charge was first brought against him, by the old Mayor's Court, he might have been hanged. Some years before a native of rank named Radachand Mitra had been tried for forgery and sentenced to death, but had been subsequently pardoned.* Nundcoomar was one of those who signed the petition in favour of Radachand Mitra, which petition urged that the sentence of death without the execution, if the penalty were remitted, would be sufficient to deter other natives from the crime.

The first day was occupied in technical proceedings relating to the arraignment. When the Court assembled on the 9th, Farrer, the prisoner's counsel, stated that the Maharaja had been taken ill in the night, and so was incapable of standing the fatigue of a trial. The Court desired Drs. Anderson and Williams to examine the prisoner. After having done so, they reported that he had now "neither flux nor fever," and was very capable of taking his trial. The Court ordered the trial to proceed, and it sat day after day continuously from 8 a.m. till late at night. Owing to the intense heat, the Judges had to retire three or four times to change their linen, but one of them always remained in Court, or in an adjacent room open to it. The jury from time to time retired to another adjoining room to eat and to sleep. So the weary day was followed by a not less weary night. The prosecution had to prove whether the deed was really forged. There could be no question that it was published, or that if it was a forgery Nundcoomar knew it. The alleged forged bond bore the impression of the seal of Commaul-

* It appears from the evidence of Mr. Barwell that before the establishment of the Supreme Court natives of Calcutta had been hanged for forgery.

O-Dien as an attesting witness. Commaul-O-Dien, when examined at the trial, denied that the seal had been affixed to the bond by him, or with his knowledge or consent, and stated how Nundcoomar had obtained possession of it—namely, that he had sent for it in order that he might seal a petition to the Nawab on his behalf; that accordingly he had sent the seal with a letter to Nundcoomar; and that he received a letter from Nundcoomar acknowledging the receipt of his letter. Thereupon the following took place :

“COUNSEL FOR PRISONER. I admit the Maharaja had the letter.

“COUNSEL FOR CROWN. Read the letter.

“COURT. Go through with your evidence.

“COUNSEL FOR CROWN. The letter does not say the seal was “received, but it acknowledges the receipt of the letter, and the “seal was enclosed in the letter.

“COURT (*to prisoner's counsel*). Do you see the consequence? Do “you admit it?

“COUNSEL. I have duly weighed what your lordship said, and “therefore will not admit it.”

Commaul-O-Dien produced a paper sealed by himself, with the same seal before he had sent it, as he alleged, to Nundcoomar. The impression contained a flaw, and a similar flaw was on the seal affixed to the bond. Witnesses were brought forward to show that the attestation of Silabut, another signatory who was dead, was forged. One of the witnesses examined as to Silabut's handwriting was Rajah Nobkissen. During his examination the prisoner desired he might ask him a question.

“COURT. Let him consult his counsel before he asks a question.

“The question being overheard by Rajah Nobkissen, he said :

“‘Maharaja Nundo Comar had better not ask me that question.’

“Upon which Nundo Comar declined asking the question.

“COURT (*to jury*). You must receive no prejudice from this ; you “must forget the conversation, and judge only by the evidence at “the bar.

“The jury said they would judge only by the evidence ”

All the witnesses for the prosecution were cross-examined at length by the prosecutor's counsel. A great deal of evidence was brought forward by the Crown to show there was no mention of the bond in the books of Bollakey Doss, though a debt of 10,000 rupees due to Nundcoomar was mentioned. Farrer, at the end of the evidence for the prosecution, contended "that there was no evidence of the forgery and publishing of the bond." The Court unanimously held that there was.*

Witnesses for the defence were now called. They swore they saw the deed executed, and they gave an account of the transaction from their own personal knowledge. But their extraordinary and unnatural agreement in a number of minute details was bound to arouse suspicion. From a large amount of suspicious evidence the four Judges, fresh from England, had to extract the truth. They were, however, assisted by the jury, some of whom knew Bengali as their own vulgar tongue; but the counsel were by no means fairly matched. The counsel for the Crown had some legal learning, but he had not acquired the art of cross-examination. The Judges, therefore, had to subject the principal witnesses for the defence to a searching cross-examination.† Nundcoomar saw that

* "In this I think they were clearly right. There was certainly "nothing that could be called direct evidence of the actual forgery "of the name or seal of Bollakey Doss himself, but there was direct "evidence of the forgery of two of the attestations—namely, that "of Commaul O Dien and that of Silabut. There was evidence that "the amount secured by the bond was not due, and there was "evidence of the uttering of the deed—indeed, it is not denied. "I think this would be evidence from which the forgery of the deed "might be inferred. No notice of the difference between the forgery "of the deed and the forgery of the attestation appears to have been "taken either by the counsel for the prisoner or by the Judges."

—Sir James FitzJames Stephen, *Story of Nuneomar*, vol. i., p. 127.

† Farrer, in his evidence before the Impey Impeachment Com-

the evidence of his witnesses was being shaken. He was fertile in expedients, courageous, and resolute. He asked leave to speak to his counsel in private. It was granted, and they retired to the end of the Court-room, where they conversed together through the medium of an interpreter. "He began by thanking me in strong terms for the pains I had taken to serve him," said Farrer in his evidence before the Impeachment Committee, "but told me he was convinced from what he saw that it would be of no avail, as it appeared to him that the Court were decidedly his enemies, assigning as a reason for such his opinion the different treatment his witnesses had met with from the Court from that which the prosecutor's had; that, therefore, it was his intention not to give either the Court or me any further trouble, but submit at once to his fate. I advised him strongly by no means to give way to any such idea; to rest assured that the Court would do him justice; and that, though some things might appear somewhat extraordinary to him, who was unacquainted with our Courts, yet that I had seen nothing that could warrant any such conclusion as he had drawn. He put it very strongly and very solemnly to me whether I did not think his witnesses had been very differently treated by the Court to what the prosecutor's had been, and whether in my opinion the Court did not seem against him. I avoided giving him a direct answer, but told him, since it seemed to have made so deep an impression on his mind, I would think of some means of com-

mittee, said: "Our principal witnesses all, generally speaking, underwent very long and very severe cross-examination by all the Judges *seriatim*, Sir Robert Chambers excepted, by Mr. Justice Le Maistre principally, Mr. Justice Hyde next, and Sir Elijah Impey least of all, except Sir Robert Chambers, who asked very few questions indeed."

“communicating the substance of what he had said to the Judges, but that it was a very delicate point, and that I was at a loss at that moment how to do it.” Nundcoomar returned to the dock, and shortly afterwards the Judges rose for dinner. After dinner Farrer had an interview outside their rooms with all of them, and stated what had passed between Nundcoomar and himself.

“The following was the substance of their answer to the best and utmost of my remembrance and belief: (1) That the nature of our defence, after the plain tale told by the prosecutors and his witnesses, was in itself suspicious. (2) That they found the prosecutor’s advocates wholly unequal to the task of cross-examining witnesses prepared as ours appeared to have been, and that had they not acted, and did they not continue to act, in the manner they had done, it would be, in effect, suffering the purposes of justice to be entirely defeated. (3) That as to any difference of treatment by the Court between the prosecutor’s witnesses and the prisoner’s, in the first place the prosecutor’s case did not appear in so suspicious a light as ours did; and, in the second, that, generally speaking, I had cross-examined the prosecutor’s witnesses as far as the case seemed to require, and that they (the Judges) had, in fact, where I had left anything deficient, put to them every question which appeared to them necessary to elucidate the business and answer the ends of justice. In all I have said of the Judges’ answer to my communication I do not mean to include Sir Robert Chambers, but only the three others; and as to them, I beg leave again to observe that I only state a fact, and that not partially, but fully and fairly, the whole of what passed on both sides to the best and utmost of my remembrance and belief, and which I should not have thought myself justified (standing in the light I at present do) in concealing. I do not remember that Sir Robert Chambers said anything at that instant.”

When the Judges returned into their room, Chambers, “a man of mild and flexible character, stayed behind, or took another opportunity, almost immediately afterwards and before the Court sat again that day, of speaking to Farrer.”

“He said that the communication I had made had given him great uneasiness; that he had been apprehensive that some such idea must prevail, and particularly desired me to communicate to Nundcoomar in his name that every question that he had or

"should put to any of his witnesses had been, and should be, as much in support of as against them; that he would ask but as few as possible—none but what should appear to him absolutely necessary in elucidation of any point made by the respective advocates and left by them in a state of uncertainty."

Farrer, when he gave an account of the interview to Nundcoomar, suppressed a great part of what the Judges said, but he told him fully what Chambers desired him to say. Farrer, at the bar of the House of Commons, declared that he thought that the "prisoner's witnesses fared worse afterwards than they had done before," but he never suggested that the cross-examination was unfair; in fact, the Court from time to time intervened in the prisoner's favour. Two of the witnesses that were on the back of the indictment not having been called by the prosecutor, and it having been observed by the Court, and the counsel for the prisoner being told that they might call them, the counsel for the prisoner said he was well acquainted with and could give the reasons why the counsel for the prosecution had not called them, and that he should immediately call them. When the volumes containing the proceedings of the Governor-General in Council were called for and not produced, on the ground that "the Council considered it is liable to many inconveniences and ill-consequences to exhibit the proceedings of the Council in an open Court of Justice, especially as they may sometimes contain secrets of the utmost importance to the interest and even to the safety of the State," the Court remarked:

"In this, as well as in every other instance, we should consult the interests and conveniences of the Company as much as possible. We are not surprised that the Governor-General and Council should be desirous to prevent their books being examined, which might tend to the consequences they mention. It would be highly improper that their books should be wantonly subjected to curious and impertinent eyes, but at the same time it is a matter of justice

"that if they contain evidence material to the parties in civil suits,
 "that they may have an opportunity of availing themselves of it.
 "Humanity requires it should be produced when in favour of a
 "criminal, justice when against him. . . .

"When it is necessary that they should be produced, the Court
 "will take care they are not made an improper use of."*

The most important witness for the defence was Kissen Juan Doss, who had been an agent of Bollakey Doss. He swore that he had been shown by Pudmohun Doss, an intimate friend of Bollakey Doss, to whom he left a quarter of his property and the management of his business, a written statement, purporting to be signed by Bollakey Doss, admitting his liability for the debts secured by the bond said to be forged, which signature of Bollakey Doss was declared by his former agent to be genuine. The evidence of the witness was not shaken by cross-examination, and if it were true Nundcoomar was entitled to an acquittal. On Thursday, the 15th, about midnight, the case for the defence was closed. The Chief Justice was beginning his charge to the jury, and would undoubtedly have directed them to acquit the prisoner, when the prisoner's counsel informed the Court that the prisoner had something to say.

"COURT. By all means let us hear it ; but would it not be more proper for you to ask him what it is, that you may judge of what he has to say ?

"COUNSEL. I know it is not improper.

"COURT. What is it ?

"ANSWER. The Maharaja desires that Kissen Juan Doss may be asked further as to the curra-nama† [sic].

"COURT. Has he anything else to say ?

"ANSWER. Nothing else.

"COURT. Do you choose to ask the questions, or that the Maharaja should ask them himself ? You had better ask them."

* Printed Report, pp. 106, 107.

† *Curra-nama*. It has been held that this word should be *karar-nama*, a written contract or engagement (Wilson).

Juan Doss was recalled. Nundcoomar did not understand his own interests. Juan Doss was immediately asked whether he ever explained the karar-nama to Mohun Persaud, the prosecutor. He then gave an account of Mohun Persaud having seen it at Maharaja Nundcoomar's. If this were true, Mohun Persaud was guilty of a most grave crime. But it was strange, as the witness was so often examined and so particularly to the karar-nama, that Nundcoomar had never before suggested this matter to his counsel. When Juan Doss was examined as to the reason of his not having told it before, "all that simplicity, all "that air of truth and candour which we had remarked "in him, instantly vanished. His looks were cast "down; his tongue faltered; he prevaricated; he "contradicted himself; he did not seem the same "man."

The cross-examination of Juan Doss having been concluded, the Chief Justice proceeded to read the evidence to the jury. By the law as it then stood a prisoner charged with felony could not address the jury; but the Court allowed Nundcoomar's counsel to put his observations in writing, and they were read by the Chief Justice from the bench, with comments often favourable to the prisoner. He expressly told the jury: "There are many observations to be made in "favour of the prisoner; and I am sure your humanity "will prompt you to enforce them, as far as they will "bear." The defence put forward that there was "no "forgery as to executors, because the prosecutor's "evidence proved that they were previously informed "of the forgery, and voluntarily paid the bond. Pudemohun Doss expressly knew it." The Chief Justice remarked: "This will depend upon the evidence, "which I shall observe upon hereafter, whether Gun-

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"gabissen (the executor of Bollakey Doss) was so informed. I think there is great reason to suspect that Pudmohun Doss was privy to the fraud, if any fraud has been." The defence also put forward the forcible argument that "the witnesses are dead, the transaction is stale and long since known to the prosecutor." The observation of the Chief Justice on this point certainly does not show any prejudice against the prisoner: "These are objections of weight which you, gentlemen, ought carefully to attend, when you take the whole of the evidence into consideration for the purpose of forming the verdict, and I have no doubt you will attend to them." After reading the whole of the defence and asking the jury to consider it together with his observations, the Chief Justice continued as follows:

"I shall now make some observations on the evidence, both on the part of the Crown and the prisoner, desiring, as I have frequently during the course of the trial, that you will not suffer your judgment to be biased, or the prisoner to be any way prejudiced from anything that has passed, nor by any matter whatsoever, which has not been given in evidence."

The Chief Justice then proceeded to analyse the evidence of the witnesses for the prosecution and defence. Fox, in his speech in the House of Commons on the impeachment of Impey, said: "Sir Elijah Impey was well acquainted with the perjuries and prevarications of Commaul-O-Dien, the principal witness of the prosecution. He had not, however, taken the smallest notice of this circumstance to the jury; and thus, by a wilful and guilty concealment, had been the instrument of forming their ultimate verdict." If Fox had read the charge, he would have found that the Chief Justice did comment on the evidence of Commaul-O-Bien, and told the jury: "You know the practices of the natives, and whether it is probable,

"as the counsel for the prisoner has suggested, that this is a deep-laid scheme of villainy." The character of Commaul-O-Dien was inquired into by the jury. After commenting on the evidence of the witnesses for the prosecution, the Chief Justice said : "This is the substance of the evidence for the Crown, and no doubt, if the witnesses are believed, whatsoever you may think of the forgery, there is evidence of publication with knowledge of forgery. On the other hand, if you believe the witnesses for the prisoner, a most complete answer is given to the charge." With regard to the evidence of Kissen Juan Doss, the chief witness for the prisoner, Impey remarked :

"Kissen Juan Doss delivered all his evidence till this morning with such simplicity, and with such an air of candour and truth, that I gave full assent to everything he said ; and I am extremely chagrined that there has arisen any cause to suspect any part of his evidence. He mentioned a paper, which he calls a karar-nama, in which the whole of this transaction was wrote, and which was acknowledged and signed by Bollakey Doss. Though the entry made in the book after the death of Bollakey Doss, by order of Pudmohun Doss, and purporting to be in the lifetime of Bollakey Doss, carried marks of suspicion with it, yet I own Kissen Juan Doss had so completely gained my confidence that I gave implicit credit to him. Many attempts were made to establish it in evidence, which failed of legal proof ; but as I thought so well of Kissen Juan Doss, and as it would have been extremely hard, if such a paper had existed, the prisoner should be deprived of the benefit of it, I said (having first asked the consent of my brethren) that, though it was not strictly evidence, I would leave it to you to give such weight to it as you thought it deserved. I still leave it to you, and if you believe that such a paper ever existed, it would be the highest injustice not to acquit the prisoner.*

"Attempts were made to bring this to the knowledge of Mohun Persaud ; and if it did exist and was in the knowledge of Mohun Persaud, this prosecution is most horrid and diabolical. Mohun Persaud is guilty of a crime, in my apprehension, of a nature more horrid than murder."

* This passage, and the matter which it relates, appear to me inconsistent with the notion that Nuncomar was judicially murdered by Impey. Impey had only to insist upon a rigid application of the rules of evidence, and he would have shut out the strongest part of

In his speech on Impey's impeachment Fox observed upon this : " In particular let the Committee consider " the Chief Justice's artful declaration to the jury that " the question before them was whether the prisoner " was guilty of forgery or his accusers guilty of a crime " worse than murder. What was likely to be the " effect of such an intimation ? It would necessarily " operate upon the mildness natural to the human " mind, and I incline them, of course, to prefer the " most lenient opinion, and think it was better to find " the prisoner guilty of forgery than by his acquittal " to pronounce his accusers guilty of a worse crime " than murder." Sir James F. Stephen writes : " This " remark seems to me shamefully unjust. I read " Impey's observation simply as meaning what it says, " namely, that if Mohun Persaud, knowing of Nun- " comar's innocence, prosecuted him, his prosecution " was ' most horrid and diabolical,' as it certainly was. " Surely the natural effect of this would be to make " the jury anxious not to give effect to such a pro- " ceeding." The charge concluded as follows :

Nuncomar's defence. According to the strict rules of evidence, the entry made by Kissen Juan Doss in Bollakey Doss's books after his death on the report of Pudmohun was no evidence. It was a mere record of Pudmohun's statement, which would not be evidence. As to the karar-nama, the necessary preliminary proof to make secondary evidence of its contents admissible was not given. It was traced to the possession of either Nuncomar or Pudmohun, but Nuncomar did not produce it, and there was no evidence as to any search amongst the papers of Pudmohun. Notwithstanding this, Nuncomar was permitted to give secondary evidence of its contents, and the Judge tells the jury that, if they believe the paper existed, it would be the height of injustice not to acquit Nuncomar. What Judge could do more ? Is it conceivable that a man who had entered into a compact to commit a judicial murder would not have excluded the evidence, contenting himself with telling the jury that it was highly suspicious that the existence of such a document should be suggested, and the document itself should not be produced ?—Sir James FitzJames Stephen, *The Story of Nuncomar*, vol. i., p. 158.

"There is certainly a great improbability that a man of Maharah Nuncomar's rank and fortune should be guilty of so mean an offence for so small a sum of money.*

"It is more improbable, as he is proved to have patronized and behaved with great kindness to Bollakey Doss in his lifetime, that he should immediately after his decease plunder the widow and relations of his friend. There does likewise appear to have been a suit in the Adalat, which must have been a civil suit; but it does not, indeed, appear that Mohun Persaud was a party; and, indeed, for what reason I know not,† neither side thought fit to produce the proceedings.

"I have made such observations on the evidence as the bulk of it, and the few minutes I had to recollect myself, would allow me to make.

"You will consider the whole with that candour, impartiality, and attention which has been so visible in every one of you during the many days you have sat on this cause.

"You will consider on which side the weight of evidence lies,

* It was over £7,000, and was, if Pudmohun's statement as to the widow of Bollakey Doss was correct, more than half her property.

† The reason why these proceedings were not put in for the prisoner were thus stated by Mr. Farrer in his evidence on the Impeachment Committee (Farrer, p. 121):

"It is true that the proceedings in the Court of Diwani Adalat were not given in evidence at the trial of Nuncomar by either party. The reasons why I did not give them in evidence are as follows:

"(1) That in these proceedings Nuncomar's witnesses in several material points contradict each other.

"(2) That the plaintiff there, when peremptorily called upon by that Court to set forth specifically the nature of his demand, expressly charged the instrument in question to be a forgery.

"(3) That when Nuncomar had this alternative offered him by the plaintiff, either to leave the matter to arbitration or to make oath that his demand was just, and that the instrument in question was actually executed by Bollakey Doss, he appears to have declined both the one and the other.

"(4) That when he found the Court, in consequence of such his refusal, were proceeding to judgment, and that he would no longer be allowed to protract the decision by introducing from time to time new witnesses, he then agreed to arbitration.

"These were my reasons for not producing these proceedings in evidence."

These reasons amply justify the course taken by Farrer, and go far to show that his client was guilty. He did not know why the prosecution did not put in the proceedings. Probably it was because their case was not at all well got up.

"always remembering that in criminal, and more especially in capital cases, you must not weigh the evidence in golden scales ; there ought to be a great difference of weight in the opposite scale before you find the prisoner guilty. In cases of property, the stake on each side is equal, and the least preponderance of evidence ought to turn the scale ; but in a capital case, as there can be nothing of equal value to life, you should be thoroughly convinced that there does not remain a possibility of innocence before you give a verdict against the prisoner.

"The nature of the defence is such, that if it is not believed,* it must prove fatal to the party, for if you do not believe it, you determine that it is supported by perjury, and that of an aggravated kind, as it attempts to fix perjury and subornation of perjury on the prosecutor and his witnesses.

"You will again and again consider the character of the prosecutor and his witnesses, the distance of the prosecution from the time the offence is supposed to be committed, the proof and nature of the confessions, said to be made by the prisoner, his rank and fortune. These are all reasons to prevent your giving a hasty and precipitate belief to the charge brought against him ; but, if you believe the facts sworn against him to be true, they cannot alter the nature of the facts themselves. Your sense of justice and your own feelings will not allow you to convict the prisoner unless your consciences are fully satisfied beyond all doubt of his guilt. If they are not, you will bring that verdict which from the dictates of humanity you will be inclined to give ; but, should your consciences be convinced of his being guilty, no consideration, I am sure, will prevail on you not to give a verdict according to your oaths."

The jury retired to consider their verdict. After they had been absent about an hour, the Court again met. It was about three in the morning. The jury appeared in the box, and found the prisoner guilty without qualification. They saw no good reason to recommend him to mercy. So ended the famous trial of Nundcoomar. If the printed report be coolly perused, it may, after the lapse of one hundred and thirty-three years, be impossible to say whether the prisoner was guilty ; but there cannot be a shadow of doubt that he had an absolutely fair trial, and of

* I think this goes too far. To bolster up a good case by perjury is not an uncommon thing in India.

the four Judges who tried him Impey showed the greatest indulgence towards the prisoner.

Nundcoomar's counsel had defended him with considerable skill and boldness. When the Chief Justice began his charge, Farrer, exhausted in mind and body, went home to rest. About 4 a.m. he was awoke by Mr. Jarret, the defendant's attorney, who came to his bedroom and informed him of the jury's verdict. "When I got up in the morning," Farrer told the House of Commons, "I found on my table the letter which I now hold in my hand from Mr. Brix, joint advocate with me in the cause. Brix wrote: 'How 'unlucky is the Rajah to have brought this action 'on himself by desiring the last examination of Kissen 'Juan Doss, which hath overset all the weight of his 'former evidence! Sir Elijah, in summing up the 'evidence, observed that, having proved, from the 'first moment of his examination till the time the 'evidence was closed, a fair and candid witness, he 'would have directed the jury to find him not guilty, 'as he looked upon the existence of the karar-nama 'clearly proved by him till the moment he prevaricated after the evidence was closed.'"

A week after the verdict, a motion in arrest of judgment was made by Farrer before the full bench, but refused, and sentence of death was passed. Farrer then got his junior to present to the Court a petition for leave to appeal, but this was also rejected, because it did not contain any specific reasons why an appeal should be allowed. The next step he took in his client's favour was to prepare a petition to the Judges for the signature of the Jury praying for a respite, but only one Jurymen consented to sign it. Undaunted by want of success Farrer prepared another petition, which was addressed by Nundcoomar to the

Governor-General in Council, and he suggested that the Council should endorse this petition to the Court. But General Clavering and Colonel Monson refused to entertain the idea, the General assigning as a reason that "it had no relation whatever to the public concerns of the country, which alone he was sent out to transact, and that he would not make any application in favour of a man who had been found guilty of forgery, nor, indeed, did he think it would do any good." The day before he forwarded his petition to the Governor-General in Council Nundcoomar had had sent a most piteous letter to Francis. He wrote : "All my hope under God Almighty is in you, therefore most humbly entreat, in the name of God, you will be pleased to intercede for me and procure a respite till His Most Gracious Majesty's pleasure is known." He added : "As I entirely rely on your Worship's endeavour to do me all the good you can, I shall not, according to the opinion of the Hindoos, accuse you in the day of judgment of neglecting to assist me in the extremity I am now in." But Francis took no steps to save the life of his suppliant, and on the 5th August 1775 Nundcoomar was hanged.*

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und-
lar.

* "But whilst he (Hastings) was exposing to publicity Nundcoomar's infamies and giving proof of most of them, or, indeed, of all, it came out that this man used to forge bills of exchange under the hands and seals of eminent men, and that, after having imitated their seals exactly, he kept them at home ready at all times for manufacturing, as occasion required, bills of exchange and bonds in anyone's name and hand to be hereafter produced at his pleasure, by which iniquitous practice he used to keep every one in awe of his displeasure ; amongst these pieces of this manufactory he had forged an obligation bond in favour of Bolakee Dass, a banker, at all times of much credit, but who had acquired a great name in Mir Caffen-ghan's time : he had presented it to the Company's cash-keeper and had received the full amount, which he had kept to-himself. . . . Nevertheless, the General's protection having proved of no avail against crimes that had been fully ascertained, Nundcoomar underwent his sentence in the manner

At a meeting of the Council held on the 14th of August, General Clavering informed the Board "that on the 4th of the month a person calling himself a servant of Nundcoomar came to his house and sent an open paper to him. As I imagined that the paper might contain some request that I should take some steps to intercede for him, and being resolved not to make any application whatever in his favour, I left the paper on my table until the 6th, which was the day after his execution, when I ordered it to be translated by my interpreter. As it appears to me that this paper contains several circumstances which it may be proper for the Court of Directors and Her Majesty's Ministers to be acquainted with, I have brought it with me here, and desire that the Board will instruct me what I am to do with it."* It was resolved after some discussion that the paper delivered by the servant of Nundcoomar to General Clavering be produced and read.

At a meeting of the Council held on the 16th August the Persian Translator sent in a correct translation of the document," and Hastings moved that as it "contained expressions reflecting on the character of the Chief Justice and Judges of the Supreme Court a copy might be sent to them."

"stated, and on the seventeenth of Jemade of the year one thousand one hundred and eighty-nine he was drawn up and hanged by the neck. His money and effects were registered and then delivered to his son Raja Goordass. They say that the whole amounted to fifty-two lakhs of money, and full as much more in effects and other property in his possession. Amongst other strange things found in his house there came out a small casket containing the forged seals of a number of persons of distinction. In consequence of this discovery his malicious acts were dragged to open light, and they met with what they well deserved."—*Sair-ul-Mutakerrin*.

* *Secret Select Committee's Proceedings*, 14th August, 1775, vol. ii., p. 412.

“MR. FRANCIS.—I think that our sending a copy of the Raja Nundcoomar’s address to this Board to the Chief Justice and the Judges would be giving it much more weight than it deserves. I consider the insinuations contained in it against them as wholly unsupported and of a libellous nature, and, if I am not irregular, in this place I would move that orders should be given to the Sheriff to cause the original to be burnt publicly by the hands of the common hangman.

“MR. BARWELL.—I have no objections to the paper being burnt by the hands of the common hangman, but I would deliver it to the Judges agreeably to the Governor’s proposition.

“COLONEL MONSON.—I differ with Mr. Barwell in opinion. I think this Board cannot communicate the letter to the Judges; if they did, I think they might be liable to a prosecution for a libel; the paper I deem to have a libellous tendency, and the assertions contained in it are unsupported. I agree with Mr. Francis in opinion that the paper should be burnt under the inspection of the Sheriff by the hands of the common hangman.

“GENERAL CLAVERING.—I totally disapprove of sending to the Judges the paper, agreeably to the Governor-General’s proposition, because I think it might make the members of the Board who sent it liable to a prosecution, and therefore agree with Mr. Francis that it should be delivered to the Sheriff to be burnt by the hands of the common hangman.

“THE GOVERNOR-GENERAL.—I should have no objection to any act which should publish to the world the sense which this Board entertain of the paper in question, but it does not appear to me that such an effect will be produced by Mr. Francis’s motion. The inhabitants of this settlement form but a very small class of that collective body commonly understood by that expression of the word. The petition itself stands upon our records, through which it will find its way to the Court of Directors, to His Majesty’s Ministers, and in all probability will become public to the whole people of Britain. I do not, however, object to the motion of its being burnt.

“The Board do not agree to the motion for sending a copy of the address of Maharaja Nundcoomar to the Judges, but resolve that orders be sent to the Sheriff, with the original letter, to cause it to be burnt publicly by the hands of the common hangman, in a proper place for that purpose, on Monday next, declaring it to be a libel.

“MR. FRANCIS.—I beg leave to observe that by the same channel through which the Court of Directors and His Majesty’s Ministers or the nation might be informed of the contents of the paper in question, they must also be informed of the reception it had met with, and the sentence passed upon it by this Board. I therefore hope that its being destroyed in the manner proposed will be sufficient to clear the characters of the Judges, so far as they appear to be attacked in that paper; and to prevent any possibility of the

"imputation indirectly thrown on the Judges from extending beyond this Board, I move that the entry of the address from Raja Nundcoomar entered on our proceedings of Monday last be expunged."*

The Judges addressed the following letter to the Board :

To the Hon'ble WARREN HASTINGS, Governor-General, and the Gentlemen of the Council.

"HON'BLE SIR AND SIRs,—A paper containing a false, scandalous, and malicious charge against the Judges of the Supreme Court, produced at your Board, having been by you declared a libel, ordered to be burned by the hands of the common hangman, we return you our thanks for having shown so due a sense of this outrage to public justice ; but as we must be interested as well in the minutes introducing and condemning the paper, as in the paper itself, we find ourselves obliged to desire that you will furnish us with a copy of the libel, and of such minutes which relate to it, as stand on your Consultations, and must therefore be conveyed to England, that we may judge whether they contain any matters necessary for us to take notice of.

"Knowing the satisfaction His Majesty and his Ministers, as well as the Hon'ble East India Company, who were deeply interested in the due administration of justice, must receive from the high reputation which the Supreme Court has acquired in this country, we thought we owed it to ourselves and the State to transmit to you the enclosed papers that they may stand recorded on your Consultations, which we think peculiarly proper at this time, as by promulgating the universal sense of this settlement in relation to our conduct, they are a direct and public refutation of the libel, and corroborate such of your minutes as tend to vindicate our reputations.†

"We are,
"Hon'ble Sir and Sirs,
"Your obedient humble Servants,

"E. IMPEY.

"ROBT. CHAMBERS:

"S. C. LEMAISTRE.

"JOHN HYDE.

"28th August, 1775."

The papers which the Judges enclosed were no doubt the addresses presented to them approving of their

* *Secret Select Committee's Proceedings*, 16th August, 1775, vol. ii., p. 413.

† *Ibid.*, 4th September, 1775, vol. ii., p. 414.

conduct. The first was by the Grand Jury to Impey individually; the second, also addressed to Impey personally, was by the free merchants, free mariners and other inhabitants of the town of Calcutta, and was signed by eighty-four Europeans.* A third address to all the Judges was signed by forty-three Armenians, and a fourth was signed by about a hundred leading natives of Calcutta and the neighbourhood.

Francis objected to the addresses being entered, "because the libel to which the papers are said to contain a direct and public refutation has been expunged, the original burnt, and I do not believe a copy of it now exists.† His Majesty's Ministers and

* Mr. Beveridge states eight were members of the Jury.

"These addresses jar on the sentiment which condemns the praise of persons in power during their actual tenure of it; but I am by no means sure that they do not represent the actual state of feeling, both European and Native, in Calcutta at that time. That they represent European feeling there is no reason to doubt. The Europeans were quite independent of the Court, and not long afterwards bitterly attacked it. An address by natives is always open to suspicion, but the Council had at that time far greater influence over the natives than the Court, which indeed had none."—Sir James FitzJames Stephen, *Story of Nuncomar*, vol. i., p. 228.

† Francis was mistaken. Impey produced it and read it in his defence. He said that Hastings "thought it no more than common justice to the Judges to give it to me, and as it was in the Secret Department of the Government he delivered it to me under an oath of secrecy not to disclose it in India except to the Judges. Except to them it has not been disclosed to this day when it is called forth by necessity for my defence."—Sir James FitzJames Stephen, *Story of Nuncomar*, vol. ii., p. 95.

A facsimile of the petition is printed in Impey's *Memoirs*, p. 417. The petition states: "For the fault of representing at this time a just fact which for the interest of the King and the relief of the people I in a small degree made known, many English gentlemen have become my enemies; and, having no other means to conceal their own actions, deeming my destruction of the utmost expediency for themselves, revived an old affair of Mohun Pursaud's which had formerly been repeatedly found to be false, and the Governor, knowing Mohun Pursaud to be a notorious liar, turned him out of his house, and themselves becoming his aiders and abettors, and Lord Impey and the other Justices have tried me by

“the Hon^{ble} East India Company should be informed
“of the high reputation which the Supreme Court has
“acquired in this country.” It was resolved by the
majority “that the enclosures in the letter from the
“Supreme Court be not inserted on the records of the
“Board,” and “that the Judges be not furnished with
“copies of the minutes upon the libel.” A few months
after Francis had borne evidence as to the high
reputation which the Supreme Court had acquired in
the country, and had moved that the petition of
Nundcoomar be burnt on account of its being a libel on
the Court, he began to make insinuations against the
integrity of the Judges. In the Consultation of the
25th January will be found a minute signed by
Clavering, Monson and Francis, but evidently written
by the last, in which occur the following remarks :

“After the death of Nundcoomar, the Governor, I believe, is well
“assured that no man who regards his own safety will venture to
“stand forth as his accuser. On a subject of this delicate nature it
“becomes us to leave every honest man to his reflections. It ought
“to be made known, however, to the English nation that the forgery
“of which the Raja was accused must have been committed several
“years ago ; that in the interim he had been protected and employed
“by Mr. Hastings ; that his son was appointed to one of the first
“offices in the Nabob’s household with a salary of one lakh of

“the English laws which are contrary to the customs of this country,
“in which there was never any such administration of justice before ;
“and taking the evidence of my enemies in proof of my crime have
“condemned me to death. But by my death the King’s justice will
“let the actions of no person remain concealed, and now that the
“hour of death approaches I shall not for the sake of this world be
“regardless of the next, but represent the truth to the gentlemen of
“the Council. The forgery of the bond, of which I am accused,
“never proceeded from me. Many principal people of this country,
“who were acquainted with my honesty, frequently requested of
“the Judges to suspend my execution till the King’s pleasure
“should be known, but this they refused, and unjustly take away
“my life. For God’s sake, gentlemen of the Council, you who are
“just, and whose words are truth, let me not undergo this injury,
“but wait the King’s pleasure. If I am simply put to death, I will
“with my family demand justice in the next life.”

“rupees ; and that the accusation which ended in his destruction
 “was not produced until he came forward and brought a specific
 “charge against the Governor of corruption in his office. If
 “Mr. Hastings had been careful of his own honour, we think he
 “would not have appeared himself as the prosecutor of his accuser,
 “and that he would have exerted his influence with Mohun Persaud
 “to suspend the other prosecution until he had proved the falsehood
 “of the charges brought against himself by Nundcoomar. As things
 “are now circumstanced, the world may perhaps conclude that this
 “man was too formidable a witness to be suffered to appear, and
 “that any degree of odium or suspicions which the violent measures
 “taken to destroy him might throw on the Governor’s character
 “was not to be weighted against the danger of his proving the
 “truth of his accusations.”*

Hastings, as his correspondence with the Court of Directors clearly proves, made use of the services of Nundcoomar because he was commanded to do so by the Court of Directors, and he employed his son for the same reason. His prosecution of Nundcoomar for conspiracy was an act of legitimate self-defence, and it would have been an act of doubtful propriety for the Governor of a province to have used his influence to suspend the prosecution of a criminal charge. It is extremely probable, as Francis stated, that if Nundcoomar “had never stood forth in politics his other “offences would not have hurt him.” If he had not attacked Mohun Persaud before the majority, who he believed were supreme in the State, Mohun Persaud might never have pressed the charge of forgery. But if the evidence of Farrer is trustworthy,† and it is the evidence of a hostile witness who was the advocate of Nundcoomar and a close friend of Francis, the criminal proceeding grew naturally out of the previous civil

* *Secret Select Committee’s Proceedings*, 25th January, 1776, vol. ii., p. 476.

† Mr. Beveridge gives reasons for questioning Farrer’s memory, but it seems highly improbable that an advocate who played so leading a part in so important a case should forget the circumstances connected with it.

suit. There has never been produced a particle of evidence to connect Hastings with the forgery suit, but on the other hand we have his own solemn assertion that he had neither prompted nor encouraged it. He stated :—" I have declared on oath before the Supreme Court of Justice that I neither advised nor encouraged the prosecution of Maharaja Nundcoomar. It would have ill-become the first Magistrate in the Settlement to have employed his influence either to promote or dissuade it."* For the death of Nundcoomar Hastings can in no way be held accountable, but Francis and his colleagues, who possessed supreme power, might have saved his life by asking the Supreme Court to grant his prayer that the execution of the sentence should be suspended pending a reference to England.† Not on

* Sir James Stephen writes : " That Hastings denied on his oath " and in emphatic terms all connection with the prosecution proves " little. A man capable of committing such a crime would be " capable of denying it on oath falsely. The facts that his statement was not impeached by cross-examination, and that he " voluntarily exposed himself to cross-examination prove much."—*The Story of Nuncoomar*, vol. ii., p. 60.

The motives of delicacy which Hastings averred he felt on the subject were wholly beyond the conception of Francis. To him it was only natural that Hastings should use his influence against Nundcoomar, because Francis argued that the more he disliked Hastings the wider his grounds of quarrel with him were, the more natural was it that he should be his assailant : and the reason for the House of Commons excluding him by their vote from a place among the managers surpassed the powers of comprehension. Lord Brougham, *Statesmen of the Time of George III.*, p. 89.

† " Francis gave as an excuse for not applying to the Court the complaint made by the Court that it was unconstitutional to address a Court of Justice on matters judicially before it by letter, and not by petition or motion in open Court. He must either have overlooked or wilfully refused to notice the broad distinction between writing a letter to the Court on a matter judicially before them, and writing on a matter in which they had to exercise an executive discretion. The latter is as natural and proper as the former is unconstitutional. The Home Secretary in England constantly corresponds with individual Judges as to applications for pardons. He would never dream of writing to a Judge as to

Hastings but on the triumvirate must rest the responsibility of the death of the culprit Nundcoomar.

The accusation against his personal honour brought by Nundcoomar, aided and abetted by his colleagues, came as a crushing blow to Hastings. In the stir and action of public life Hastings was brave and sanguine, but, as is often the case with the finest natures, his courage was balanced by an equal sensitiveness to pain. When struck down by misfortune he became in private life depressed. His official minutes bear ample evidence of fixed and resolute will, but his private letters too often reveal the misery and hopelessness of the passing hour. He displays, not only to his friends but to the leading statesmen of the day, feelings which cautious men conceal. Thirteen days after his three inveterate foes had summoned him to the Council Board "to be arraigned as a criminal," and his enemies compassed him about, he wrote to Lord North :

to "I now most earnestly entreat that your Lordship—for on you, "I presume, it finally rests—will free me from the state I am in, "either by my immediate recall or by the confirmation of the trust "and authority of which you have hitherto thought me deserving, "on such a footing as shall enable me to fulfil your expectations, and "to discharge the debt which I owe to your Lordship, to my "country and my Sovereign. The meanest drudge who owes his "daily subsistence to daily labour enjoys a condition of happiness "compared to mine, while I am doomed to share the responsibility "of measures which I disapprove, and to be an idle spectator of the "ruin which I cannot avert."*

Lord North was the last person to understand a letter of this nature. "His ponderous frame," to use the words of Burke, contained the most cheerful spirit.

the exercise of his judicial duties. Any such application would have to be made by Counsel in Court."—Sir James FitzJames Stephen, *The Story of Nuncoomar*, vol. i., p. 236.

* Rev. G. R. Gleig, *Memoirs of Warren Hastings*, vol. i., p. 502.

Nothing in public or private life could affect his steady courage or ruffle the sweetness of his temper. When an opponent charged him to his face with the heaviest crimes and misdemeanours, he dropped by degrees into a gentle doze. He could not understand why Hastings did not treat his Councillors in a like manner. On the same day (27th March 1775) that Hastings wrote to Lord North he also wrote to a friend, Mr. Graham :

"I think it necessary to give both you and Colonel MacLeane this separate notice, lest you should be at a distance from each other when the packet arrives, of a resolution which I have formed to leave this place, and return to England on the first ship of the next season, if the first advices from England contain a disapprobation of the Treaty of Benares or of the Rohilla War, and mark an evident disinclination towards me. In that case I can have nothing to hope, and shall consider myself at liberty to quit this hateful scene before my enemies gain their complete triumph over me.

"If, on the contrary, my conduct is commended, and I read in the general letters clear symptoms of a proper disposition towards me, I will wait the issue of my appeals.

"I have imparted this resolution to no other person on your side of the water, and I leave it to your discretion and MacLeane's to make such use of it as you think proper. I shall certainly contrive to stop at the Cape for the sake of intelligence. Once more adieu."*

On the 6th of May Nundcoomar was arrested on the charge of forgery, and on the 18th of May Hastings writes regarding the visit paid by Francis and Clavering to Nundcoomar when he had been committed for trial at the Assizes on the charge of conspiracy :

"The Visit to Nundcoomar when he was to be prosecuted for conspiracy, and the elevation of his son to the first office of the Nizamut when the old gentleman was in gaol and in a fair way to be hanged, were bold though successful expedients. I doubt if the people in England will approve of such barefaced declarations of their connexions with such a scoundrel, or such attempts to

* Rev. G. R. Gleig, *Memoirs of Warren Hastings*, vol. i., p. 521.

"impede and frustrate the course of justice. Neither can I suppose that the dismissal of Munny Begum for the sake of carrying a point of party with which she has no concern will be thought consistent with justice, honour, and truth."

Hastings had, as we have pointed out, solid reasons for calling Nundcoomar a scoundrel. He had three times found him guilty of forgery. When Nundcoomar was committed to gaol to be tried for the same crime, it was only natural that Hastings should, after remembering the past and reading the evidence placed before the Justices of the peace, think that the old gentleman was in a fair way to be hanged. But he would hardly have written in this strain to his agents if he had been engaged, as Macaulay infers, plotting a judicial murder. Hastings hoped that the full and detailed official account of what had taken place in Council would reveal to the authorities at home the true state of affairs, and they would support him against his assailants. He therefore wrote in a postscript: 'I now retract the resolution communicated to you separately in my letters of the 27th of March. Whatever advice the first packet may bring, I am now resolved to see the issue of my appeal, believing it impossible that men whose actions are so frantic can be permitted to remain in charge of so important a trust.'

^h Towards the close of the year there came a despatch, dated 3rd of March, 1775, from the Court of Directors ^s containing their opinion regarding the main matters in dispute between Hastings and the majority. They approved of the measures taken by Hastings in regard to the resumption from the Emperor of the provinces of Cora and Allahabad and their cession to the Vizier, and confirming the Treaty of Benares. They also approved the suspension of the payments

made to the Emperor from the revenues of Bengal. In regard to the Rohilla War they wrote :

"And notwithstanding the pecuniary advantages which the Company have gained by that event, we are exceedingly concerned to find that our arms have been employed in the conquest of the Rohillas, though we must confess the conduct of their chiefs in refusing to fulfil their solemn stipulations with the Vizier seems to have drawn upon them the calamities they have suffered. After noticing the cautionary terms settled with Shuja-ud-daula previous to the march of our troops we can have no doubt of his having fulfilled the conditions of the agreement by which he became entitled to our assistance; and had the object in view been extended no further than to compel payment of the forty lakhs of rupees due to the Vizier and the Company for the protection afforded to the Rohillas, we should have had less objection to the measure, though it would have been much more agreeable to our feelings if the Rohillas had faithfully complied with their engagements, which were entered into for the immediate and mutual defence of the contracting parties, and in which also the interests of the Company were concerned."*

The Directors did not object to the Rohilla War as long as it was waged to recover the forty lakhs "due to the Vizier and the Company for the protection afforded to the Rohillas," but they absolutely prohibited the troops from being employed in any new conquest or any warlike enterprise beyond the Vizier's territory. On the 7th of March the Court of Directors wrote another letter to this effect. The Majority of the Council, in their letter to the Court of Directors, declared that "No condemnation can be more severe than that which the Court of Directors have passed on the Rohilla War and on the conduct of the late Administration even on their own statement of the facts. What judgment will the Company form of the measure and of the persons who planned it when they see our representation of it?" Hastings remarked :

* Sir John Strachey, G.C.S.I., *Hastings and the Rohilla War*, p. 272.

"I cannot admit either the justice or the decency of binding the Court of Directors to the interpretation which the Majority have been pleased to force on their orders. I understand the paragraph of the General Letter of the 3rd of March to be an approbation of the Rohilla War.

"I understand the disapprobation expressed in their letter of the 7th of March to apply to a subject totally different from it, to a supposition that the troops which were employed in the Rohilla War had quitted the country which was the seat of it, and had crossed the Ganges to engage in an indefinite service beyond the prescribed line of the operations. These censures arose from a misformation, or from a misconception of the words of a letter from the late Select Committee, and I presume that the explanation given them in my letter of the 25th November which went by the last ship will have totally removed all their displeasure upon this head."*

In their letter of the 3rd of March the Directors wrote :

"The conduct of Nundcoomar in the part he has taken against Muhammad Reza Cawn appears to us so very inconsistent and unworthy that we feel a repugnance to the continuance of his son in the high office of Roy Royan of the province; and as the acquittal of Muhammad Reza Cawn warrants us again to employ him, we direct that if he can with propriety accept of that office under the regulations and restrictions established by our President and Council, and with the salary granted to Raja Gurdass for executing the same, he be forthwith appointed thereto, and receive a proper khellaut† and such other marks of distinction as are usually conferred on natives on like occasions. We mean not by this appointment to restore Muhammad Reza Cawn to any improper degree of power, but merely to testify our satisfaction on finding his former conduct has been so much better than we expected.

"And in regard to Raja Gurdass, though we cannot consent to his remaining Roy Royan of the province, yet in consideration of the favourable character we have received of him, we have no objection to his being appointed to any office of less importance if you shall be of opinion that his behaviour has entitled him to such a mark of our indulgence."

* *Secret Select Committee's Proceedings*, 27th February, 1776.

† *Khellaut*, *Killut*, *Killaut*, and *S.*, *Ar.*, *H. Khelat*. A dress of honour presented by a superior on ceremonial occasions; but the meaning is often extended to the whole of a ceremonial present of that nature, of whatever it may consist.—Colonel Henry Yule and A. C. Burnell, *Hobson-Jobson*.

Clavering, Francis and Monson took advantage of these suggestions to abolish the new provincial courts, restore the jurisdiction of the Nawab, and to confer on Muhammad Reza Khan "the dignity of Naib Subah, with all the appendages of that high office, which had been abrogated by the late President and Council, with the subsequent approbation of the Court of Directors, by which all the powers of the Magistracy and of the Courts of Criminal Justice throughout the provinces centre in the person of Muhammad Reza Cawn alone without a check or control." "This certainly was not," adds Hastings, "such an appointment as the Honourable Court of Directors alluded to when they said they meant not by it to restore Muhammad Reza Cawn to any improper degree of power, but merely to testify their satisfaction on finding his former conduct had been so much better than they expected."

The Majority of the Council abolish the provincial Court and restore the jurisdiction of the Nawab.

The Majority, not content with upsetting Hastings' judicial system, vigorously attacked his revenue system. The first attempt at a more direct management of the land revenue by English agency had produced only a partial improvement. Many of the speculative farmers had offered terms for the land which were far greater than the sum which the cultivators who were slowly recovering from the great famine of 1769-70 could pay. This gave the Majority an opportunity of accusing Hastings of over-taxing the Zemindars and oppressing the ryats. Hastings, in his "Remarks on the Third Minute of General Clavering, Colonel Monson, and Mr. Francis," dated 11th January 1775, admits that the lands were let in general too high, but the excess could not be prevented.

The Majority of the Council attack Hastings' revenue system.

"The exact value of the land was known only to the Zemindars and old farmers, from whom it was not to be expected that they should part with their knowledge. To find out the real value the most probable method was to let them to the highest bidders; and the fairest and only means which would not admit of conclusions against the character of the gentlemen concerned in forming the new settlement was to dispose of the farms by public auction.

"This proved, however, such a source of competition that the lands in general were over-rated. Especially in Nuddea, where this happened, abatements have been allowed—that is to say, the excess which ought not to have been put upon the rents if it could have been avoided has been taken off, and a competent knowledge has been obtained of the state and capacity of the lands throughout the provinces, which will be of great advantage in forming the next settlement when the term of the present shall have expired."

In regard to foreign affairs, the concessions extorted from the Nawab Vizier of Oudh had proved ruinous to him. Mr. Bristow, the Resident, writing from Fyzabad the 11th October 1775, states: "The Hon'ble Board are fully convinced of the distracted state of the Nabob's Government. Its army was mutinous, the Resident made incessant demands on him for arrears of debt, and neither the aumils nor the people will ever pay their rent regularly but when compelled." The conduct of the Council Majority with regard to Western India is an illustration of their incapacity to measure the difficulties of an intricate problem. On the 31st of May 1775 a despatch arrived from the Bombay Government announcing that they had made a treaty with Raghoba, the claimant to the throne of the Peshwa, by which he agreed to cede Salsette and Bassein to the English in consideration of being himself restored to Poona. Hastings pronounced the treaty unseasonable, impolitic, unjust, and unauthorised. "It is unseasonable because the treaty was formed with Raghoba at a time in which he appears to have been totally abandoned by his former adherents. It was impolitic because it

“threw the whole burthen of the war on the Company
“without a force at the command of the Presidency
“equal to the undertaking, without money or certain
“resources, and because it was undertaken without any
“regard to the general interest of the other settlements
“of the Company in India. It was unjust because they
“had received no injury from any part of the Mahratta
“State which could authorise their interfering in their
“mutual dissensions, nor were under any actual ties to
“assist Raghoba.”* Though Hastings condemned the
treaty, he took a statesman’s view of the position,
and felt that to withdraw abruptly after having entered
into positive engagements with one party and offended
the other perhaps beyond hopes of reconciliation,
might be attended with greater danger than prosecuting
the original design and even with national dishonour.
He therefore proposed that—“The President and
“Council of Bombay be peremptorily enjoined to cancel
“the treaty with Raghoba, and to withdraw the
“detachment immediately to their own possessions by
“whatever means may be in their power, unless any of
“the following cases may have occurred :

“1st—That they shall have obtained any decisive
“advantage over the enemy ;

“2nd—That the detachment shall have proceeded
“to such a distance, or be in such a situation,
“as to make it dangerous either to retreat or
“go on ;

“3rd—That a negotiation shall have taken place
“between Raghoba and his opponents in
“consequence of the support afforded by
“this alliance.”†

* *Secret Select Committee's Proceedings*, 31st May, 1775, vol. ii.,
p. 391.

† *Ibid.*, 31st May, 1775, vol. ii., p. 392.

Francis entirely agreed "with the Governor-General in disapproving of the conduct of the Government of Bombay, and in protesting against all the consequences which may attend it ;"* but he added : "I think that their engaging the Company's troops on distant inland expeditions, especially without any determinate object for their operations, or limitation of time for their services, ought not to receive the least countenance or authority from us ; and that we ought to insist upon their recalling the troops without any consideration but that of their safe retreat."*

It was agreed by the majority that "the troops be ordered to be recalled without any exception but the single consideration of their safety."*

The Bombay Government obeyed the commands of the Supreme Government and ordered the forces who had won the hard-fought battle of Arras into British territory, but the President wrote a dignified protest against their orders. He declared that he and his colleagues considered the welfare of the Presidency entirely depended on their preventing the Island of Salsette from again falling into the hands of the Portuguese, and "in this situation we are of opinion policy absolutely required that we should side with one of the contending parties in the Mahratta State, that it might be reconciled to our motives for that attack, and to our continuing in possession of that island. This necessity being allowed, justice doubtless required that we should take part with Raghoba, the Peshwa, and in duty to our employers we made this decision as advantageous to them as possible, as we think is evident from the treaty."† They pro-

* *Secret Select Committee's Proceedings*, 31st May, 1775, vol. ii., p. 392.

† *Selections from the State Papers preserved in the Bombay Secretariat (Mahratta Series)*.

ceeded to inform the Governor-General that they had deputed Mr. William Taylor, "a member of our Board, "to visit Calcutta in order, more fully than can be "done by letter at so great a distance, to represent to "your Honor and Council the motives for all our "proceedings, the present situation of affairs, with the "danger and discredit that must attend our treaty being "cancelled, and Raghoba deserted." Mr. Taylor on reaching Calcutta wrote a very full and able letter reviewing Mahratta affairs, but his arguments had no effect on the Supreme Government. They informed him that "after duly considering the representations "which you have been pleased to deliver to us, we are "confirmed in our opinion of the expediency of the "Company's troops being immediately recalled from "the service of Raghoba to their own garrison." They also declared their intention of deputing an agent of their own, Colonel Upton, to negotiate with the ruling ministerial party at Poona. At first the pretensions of the Ministry at Poona were so great that it was impossible to make any settlement with them, and on the 7th March the Supreme Government, thinking that Colonel Upton's negotiations had been entirely broken off, wrote to the Bombay Government to renew hostilities. They said: "We think it necessary to "take the earliest opportunity to release you from the "restrictions which we formerly laid upon your operations, and to provide every means in our power "for carrying on the war in conjunction with Raghoba "with vigour." The treaty of Purandhar, however, to the disappointment of the Governor-General and the Bombay Government, had been signed before the letter was written. "The treaty of Purandhar," writes Warren Hastings to a friend, "was executed on the 1st March 1776. I disapproved of it."

Two months after the treaty of Purandhar had been signed, Colonel Monson died (September 1776), and Warren Hastings, by his casting-vote and the steady adherence of Barwell, now had the predominance in Council. He at once resumed his former policy. He removed Bristow from the post of Resident at the Court of Oudh, and he reinstated "Nat. Middleton," his original nominee. "The first act of my authority," said Hastings, "might justly be for the retrieval of "the first wound that was given to it." He now actively pressed forward his administrative reforms. On the 10th April 1777 the settlement of the land revenue which had been made for five years would expire. The future settlement had become a subject of acrimonious discussion in the Council Chamber. Francis wrote voluminous revenue minutes, for which John Shore supplied the technical knowledge, he the venom. Information regarding land tenures and the actual capabilities of the land must always be indispensable preliminaries for a revenue settlement. In a minute dated the 1st November 1776 Hastings wrote : "In whatever manner it may be hereafter determined "to form the new settlement of the provinces after the "expiration of the present leases, it will be equally "necessary to be previously furnished with the "accurate states of the real value of the lands, as its "grounds on which it is constructed." His second great aim was to protect the claims of the actual cultivators of the soil. The Ryots, under the existing system, not having their contracts with the land-owners clearly defined, were subject to all kinds of arbitrary exactions. "It is the Zemindar's interest," wrote Hastings in the same minute, "to exact the "greatest rent he can from the Ryots ; and it is as "much against his interest to fix the deeds by which

"the Ryots hold their lands and pay their rents to certain bounds and defences against his own authority. The foundation of such a work must be laid by Government itself; all that I would propose is to collect materials for it." In order to collect information an office was established in November 1776, and three experienced covenanted servants of the Company—Anderson, Croftes, and Bogle—were appointed to superintend it. A large number of native officers were sent into the country "for the sole and express purpose of collecting such accounts and information as have reference to the business of the office."

Hastings also turned his attention to the other department on which the security and contentment of the people principally depend—the judicial administration.

On the 20th January 1776 he sent home "A plan for the better administration of justice in the Provinces of Bengal."* "The design of it," Hastings wrote to Lord North, "may be comprised in a few words. It is, to extend the jurisdiction of the Supreme Court of Judicature to all parts of the provinces, without any limitation; to confirm the Courts which have been established on the principles of the ancient constitution of the country by the names of Nizamut and Dewanny, to unite the judges of the Supreme Court with the members of the Council in the control of the latter, and to give the Provincial Councils a legal authority in the internal government of the country and the collection of the public revenue." It would require too much space to explain and illustrate every part of the plan. The chief feature was the proposed creation of "The Sudder Diwani Adalat, or Superior Civil Court," to

Judicial
adminis-
tration.

A plan for
the better
adminis-
tration of
justice
in the
Provinces
of Bengal.

* Appendix B., p. 290. This paper was discovered in the Record Office at Calcutta.

be composed of the Governor-General and Council and the Chief Justice and Judges of the Supreme Court of Judicature, assisted by native officials. This Court was to receive civil appeals from the Provincial Councils, and its decrees were to be final. Writing to Lord Mansfield, Hastings states: "Your Lordship will find very little of novelty in the plan. The design of it is to prevent innovations, not to add to them; and I sincerely believe that, if it shall be found compatible with the indispensable principles of the English law, neither the laws, usages, nor inclinations of the people of this country will be injured by the introduction of it." He adds: "Sir Elijah Impey, who has carefully read it, has authorized me to say that it has his approbation. . . . I have a pleasure in declaring that on all occasions it has been his aim in particular, and in general that of the other judges of the Supreme Court, to support the authority of Government, and temper the law of England with the laws, religious customs, and manners of the natives. Your Lordship will hear a different report from my associates in the Council, but I confidently rely on the facts on which our different opinions are founded for confirming my testimony." Hastings' plan of judicial reform had no trial: it had its defects, but it was a strenuous and sterling endeavour to create a judicial machinery in full harmony with the time and its practical needs.

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^{ad.} The divisions in the Council Chamber at Calcutta afforded in the then temper of parties much matter of perplexity to Lord North. He had passed the Regulating Act, and he had moved that Hastings be nominated the first Governor-General. At that time the news of the Rohilla War had not reached England. But as Lord North told the House of Commons in

the debate on the Rohilla War, June 1 1786: "Soon
"after the arrival of the new Council in India they
"sent home complaints against the Governor-General,
"on the subject of the Rohilla War, stating such
"facts as had come to their knowledge. As soon
"as he was apprised of these facts, he thought
"Mr. Hastings' conduct highly censurable, and he
"sent to the Court of Directors (with whom the
"power of appointing new servants, subject to the
"control of His Majesty's Ministers, lay), and desired
"them to make every possible exertion for the recall or
"dismissal of Mr. Hastings." The Council did not send
home facts, and Lord North did not calculate the
possibility of exaggeration and invention.* General
Clavering was a personal friend of the King, and
North, who had, at the entreaty of the King, carried
on a far more bloody war than the Rohilla campaign
in direct opposition to his own judgment, was not
likely to go against the King's wishes with regard to
the advancement of a favourite. Clavering had also
great parliamentary influence, and the Ministers, whose
majority had begun to dwindle, did not wish to lose
the support of his friends. The overthrow of Hastings
was desirable in their own interests, but by the
Regulating Act he could not be recalled during the
first five years without an address to that effect from
the Company to the Crown. The Cabinet and their
friends did not shrink from making use of every
artifice to obtain the address. In December 1775
the question of the removal of Hastings and Barwell
from their respective stations was brought before the
Court of Directors, but thrown out after a warm
debate by a considerable majority. But the hostility

* Lord Mahon, in his *History of England*, omits to state that the facts were supplied by the Council.

of Hastings' enemies was unrelenting and persistent. On the 9th of May the motion for "addressing the " Crown to remove Messrs. Hastings and Barwell from " their respective stations in Bengal" was again brought before the Court of Directors. The ballot was taken, and there were eleven votes for the recall and ten against it. The friends of Hastings appealed to a Court of Proprietors. "The Court met on the " 16th, and was exceedingly full. FORTY-NINE privy " councillors, peers, and men high in office attended on " the part of administration; treasury letters were " sent to almost all the Proprietors, and Lord Sand- " wich* conducted the operations. Near midnight we " divided on a question of 'adjournment till next day'; " you will not be surprised that this shoal of Ministers " rushing out of court in the moment of division " carried the court against us at that late hour—108 " to 97. We demanded the ballot, which was fixed " for Friday the 18th, and carried against every effort " of administration and the chairs, by the majority " already mentioned (106)." MacLeane, Hastings' agent, adds: "This has given great offence to adminis- " tration. I have never known them so sore on any " defeat. So great a majority has stunned them. " Lord North cannot bear the least mention of the " India House, directors, or proprietors. He 'will have " 'nothing to do with India matters out of Parliament. " 'The Company must be restrained to its commerce. " 'Territorial acquisitions are beyond their abilities to " 'manage, and must be taken from them without " 'waiting for the expiration of the charter. For " 'this purpose Parliament must meet before Christ- " 'mas. In the meantime the Proprietors may do " 'what they please; the more violent and absurd

* First Lord of the Admiralty.

“‘their actions the better.’ This is now the language
“of the Ministerial party, and they have held it
“uniformly since their defeat.”* MacLeane and some
other friends of Hastings came to the conclusion that
there was little hope of his being able to remain
Governor-General in opposition to the powerful
interests arrayed against him. They had also sub-
stantial grounds for fearing a prosecution would be
moved in the House. “N. (North) would have praised
“your abilities and moved the House to prosecute you
“upon the evidence of Nundcomar, and Lord M. (Mans-
“field) would have cried up your code of laws, and mus-
“tered all his forces (as he actually did) to go down to
“the India Office to vote against you. In short, it was
“certainly adopted as a measure of Cabinet, as they
“style it, to support their own three councillors, and
“it would have been carried in Parliament as easily
“as a vote of credit or a turnpike bill. In that
“situation an easy and honourable retreat was all
“that could be thought of for you; and we knew
“it was personally consonant to your wishes to retire
“if you could not be put in the possession of that
“consequence in administration which your station
“required.”† MacLeane now entered into negotiations
with Mr. Robinson, a confidential servant of the
Ministry, who agreed to the terms put forward by
Hastings’ friends, provided Lord North and A CERTAIN
PERSON ratified his agreement. The articles of the treaty
were five in number; the fourth provides “that all
“RETROSPECT AND PROSECUTION prior to the late Act
“of Parliament appointing the Supreme Council cease

* Letter from S. MacLeane, 25th June, 1776.—Gleig, *Memoirs of Warren Hastings*, vol. ii., pp. 65, 66.

† Letter from John Stewart, London, 31st October, 1776.—Gleig, *Memoirs of Warren Hastings*, vol. ii., p. 92.

"and determine; and in case any informer infringe this article, administration shall give their aid to quash and defeat it." The fifth stipulates "that Mr. Hastings shall be well received on his return; a vote of thanks promoted, if moved for; and nobody to be displaced." At a Court held on the 11th of October a letter from MacLeane was read. It stated that Hastings had "authorized, empowered, and directed me to signify to you his desire to resign his office of Governor-General of Bengal, and to request your nomination of a successor to the vacancy which will be thereby occasioned in the Supreme Council." The Directors made some little difficulty as to MacLeane's authority, but on the 16th of October they wrote "a letter to the Secretary of State signifying that Mr. Hastings, for the reasons contained in it, had intimated a desire to resign, and praying that his Majesty would be pleased to appoint Mr. Wheler to fill up the vacancy that would be occasioned in Council when Mr. Hastings resigned the chair."* Ten days later the Commission appointing Mr. Wheler to a place in Council was issued. Mill states: "The resignation was formally accepted, and a successor to Mr. Hastings was chosen. Mr. Wheler was named, presented to the King for his approbation, and accepted. General Clavering, as Senior Member of the Council, was empowered to occupy the chair till Mr. Wheler should arrive."

The statement is wrong in every particular, and has misled many of Hastings' biographers: "The resignation was formally accepted." There was no resignation. The Commission refers to the resignation not as an act that had been performed, but as an act

* Letter from S. MacLeane, Portsmouth, 10th November, 1776.—Gleig, *Memoirs of Warren Hastings*, vol. ii., p. 89.

contemplated: "Whereas the said Warren Hastings "hath caused notice to be given to the said United "Company that he desires to resign the said office "of Governor-General of Bengal." No successor to Mr. Hastings as Governor-General was chosen, and General Clavering, as Senior Member of Council, was not empowered to occupy the chair till Mr. Wheler should arrive. Mr. Wheler could not be appointed Governor-General. The Act 13 George III., cap. 63, expressly provided that, "in case of the avoidance of the office of such governor-general, by "death, resignation, or removal, his place shall, "during the remainder of the term aforesaid (five "years), be supplied by the person of the Council "who stands next in rank to the governor-general." General Clavering became, on the resignation of Hastings, Governor-General, not till Mr. Wheler arrived, but for the remainder of the five years. The Commission stated: "And whereas upon such resignation of the said Warren Hastings as aforesaid, the "said John Clavering, according to the directions of "the said recited Act of Parliament, will succeed to "the said office of governor-general." Wheler was appointed to a place in Council "from and immediately "after" the office should become vacant by the resignation of Hastings.* When Wheler was on the point of sailing for India news reached England of the death of Monson, and he surrendered his appointment to succeed as Member of Council on the resignation of Hastings, and was appointed to the place in Council vacant by the death of Monson.† In the very

* Edward Thornton, *History of the British Empire in India*, vol. ii., p. 104.

† At a Court held on the 6th May two letters were read from Edward Wheler, Esq., on board the *Duke of Portland* at the Mother Bank, the 29th ult. (April), and off the Start the 4th inst.

next *Gazette* after Wheler had received his first nomination to the Council, General Clavering's name was gazetted to the Order of the Bath. As no similar mark of royal favour was to welcome the return of Hastings, MacLeane immediately wrote to Hastings a letter, which was endorsed by Stewart, stating: "I look upon the honour conferred on General Clavering as so direct a breach of the spirit of the compromise, that unless an adequate honour is conferred on you, *you ought not to resign.*"

On the 14th of June Hastings received a letter from MacLeane informing him of what had taken place, and at the same time their last letter desiring him "in a particular manner to suspend every thought of resigning until I should hear from them again." On the 19th despatches arrived confirming the news "of the accommodation concluded in my name by Colonel MacLeane," and "of the last sanction given to that act by the King's approval of the appointment of Mr. Wheler." Hastings states: "These were read in Council, but nothing passed on them." The next day General Clavering ordered a summons to be issued in his name as Governor-General to Mr. Barwell and Mr. Francis to meet the Council. The General and Francis met in the General Council Chamber, "where Clavering took the usual oath to discharge the duty of Governor-General, assumed the chair, and presided and came to several resolutions to proclaim the change of government."* At the same time Hastings was at the Revenue Council Chamber, to which the Board had received the usual

(May), the latter enclosing his surrender of his former appointment to succeed as the member of Council at Fort William in Bengal, on the resignation of Warren Hastings.

* Letter from Sir Elijah Impey to Lord Thurlow, 29th June, 1777. E. B. Impey, *Memoirs of Sir Elijah Impey*, p. 162.

summons. Here Barwell joined him, and showed him the summons he had received in the name of Clavering. "Before I had recovered from the surprise occasioned by this unexpected intelligence, I received a letter from the General by his Persian interpreter requiring me to deliver to him the keys of the fort and of the treasuries." This had been from time immemorial the last official act of a departing Governor of Bengal. Hastings and Barwell "sent instant orders to Colonel Morgan, the commanding officer of the garrison of Fort William, forbidding him to obey any other, and similar orders to the officers commanding at Budge-Budge and the Cantonments of Barrackpore." The Provincial Councils and Collectors were also formally reminded that their obedience was due only to Hastings as Governor-General. Hastings and Barwell then appealed to the Judges of the Supreme Court, and their opponents, after some demur, acquiesced in the appeal. After deliberating all night, the Judges at four next morning "delivered to the gentlemen attending on both sides letters directed to the several gentlemen declaring our opinions, that the powers were not actually vested in the General."* The first reason they gave for their opinion was, "Because the office of Governor-General was conferred on Mr. Hastings by Act of Parliament, and according to the tenour of that it can only be vacated by death, removal, or resignation. That Mr. Hastings is not dead is a notorious fact; no intention is manifested or act done by the directors in the least tending to his removal: and we are firmly of opinion that he has not actually resigned."† At

Hastings
refuses to
abdicate.

* Letter from Sir Elijah Impey to Lord Thurlow, 29th June, 1777. E. B. Impey, *Memoirs of Sir Elijah Impey*, p. 164.

† Lord Mahon, in his *History of England*, writes: "At four the

noon the Judges "received a letter from the General "and Mr. Francis informing us that they acquiesced "in our opinions." Hastings had won the victory, but he knew well what it might cost him. He wrote to Laurence Sullivan on the 29th of June: "Though "I shudder at the consequences of departing from the "letter of Colonel MacLeane's engagements, and dread "equally with death the thoughts of entering into a "new scene of indefinite contention, yet I scarce see "an option left me to avoid it. One condition of that "engagement was that the time of my resignation was "to be left to my own choice; but that condition has "been broken by the attempt made by General "Clavering to wrest the government from me by "force, and by persisting to assert his claim to the "government in despite of it." On the same day he

"next morning Sir Elijah reported their unanimous judgment that "the resignation of Hastings was invalid, and the assumption of "power by Clavering illegal." It was not a judgment, but an opinion, and the Judges held the opinion, not that the resignation was invalid, but that there was no resignation. Lord Mahon may have been misled by the Ninth Report, which states that "the "Judges settled the controversy by deciding that the resignation "was an invalid act." This is a fair specimen of the Junius method of stating a fact. Thornton states: "On some other points the "Ninth Report of this Committee is marked by little judgment or "scrupulosity of judgment." Professor Wilson also mentions that the documents to the Appendix do not in very many instances authorize the statements of the Report. A letter written by Francis in 1791, published only a few years ago, supplies the reason:

"As to the Ninth Report, which is, indeed, a masterpiece of "human wisdom, the fact is, I wrote a very small part of it, and, "as to the composition, corrected the whole.

"On memory only, and speaking without book, I think I can say "with truth that there is not one material principle or deduction in "it which may not be fairly and honestly traced back to some ante- "cedent opinions of my own, dilated on and expanded by superior "power. In some respects I am the acorn. But if you want to see "the oak in all its beauty, dignity, and strength, read the Ninth "Report, the sole undoubted property of the commanding master- "mind of Edmund Burke."

wrote to another friend : " Were I to submit to such " indignities as have been offered to me, even my " enemies would hold me in open derision. I will make " them ashamed of the man whom they have protected. " I shall expect to be recalled, and with disgrace, and " I expect that my recall will be followed by prosecu- " tions, and they may prove what they will against " me, even rape and murder, if they are disposed to it, " when I am gone and Clavering in possession, yet I " care not." He adds, and the passage is of great importance : " I am congratulated on the happy issue " of this negotiation, and the preservation of my " honour and my fame, and on the complete victory " which I have obtained." A few years later Hastings refers to Impey as a man " to whose support I was at " one time indebted for the safety of my fortune, " honour, and reputation." Macaulay writes : " These " strong words can refer only to the case of Nuncomar, " and they must mean that Impey hanged Nuncomar " in order to support Hastings." Lord Mahon and Sir James F. Stephen both believed that the allusion was to the services rendered Hastings by the award of the Judges on this occasion. The latter based his belief on a passage written by Impey to the same effect,* but he does not notice the similarity between the foregoing passages written by Hastings. Each of these passages obviously refer to the same incident—the support

* The following is the passage from a letter written by Impey in March, 1780, at the height of the contest between the Governor-General and Council and the Supreme Court : " The power which is " exerted against me would not have existed in the hands in which " it is if I had not helped to keep it there ; and it was used against " me at the time when I was living, in all appearance, in the utmost " confidence of familiarity with the possessor of it. . . . This has " hurt me much more than any anxiety which I felt during all the " time that I knew Clavering was endeavouring to ruin me in " England."—Sir James F. Stephen, *The Story of Nuncomar*, vol. ii., p. 44.

given to him by Impey and the Judges when Clavering attempted to seize the office of Governor-General. They afford a fresh proof that Macaulay's supposition is "not only revolting and improbable," to use the words of Sir James F. Stephen, but also quite unnecessary.

Impey, whom Macaulay calls "a serviceable tool," did not lend a blind support to Hastings at this critical moment. Hastings and Barwell now passed a resolution in Council that Clavering, by taking his oath as Governor-General, "and by that act and the many others done in consequence of it, has vacated his seat as Senior Member of the Council, and could no longer sit at the Board in any capacity." Clavering and Francis also appealed to the Judges, and Hastings and Barwell consented to follow their advice. Impey writes to Lord Thurlow that the Judges "agreed on a letter in which they said they could not be of opinion that the Governor-Generals Council could, by their own authority, declare vacant the seat of any Member of their Board; and advising them to recede from such resolutions as prevented the General from the free exercise of his offices, and that neither party should act on their claims, but reserve them for decision in England. The acquiescence of Mr. Hastings and Mr. Barwell was in two hours afterwards signified to us by a letter from them. The General and Mr. Francis thanked us in the same manner for our attention to their application. The next day they all met in Council, the General reassuming his seat as senior councillor, and everything at present is calm." Francis recorded a minute in which he remarked: "Everything is at stake, everything has been hazarded, I fear, by some degree of passion and a great degree of precipitation ;

“much may be retrieved by prudence and moderation.
 “I trust it will appear that I have given a signal
 “example of both, not only in my immediate and
 “implicit acquiescence in the decision of the Judges,
 “but in my present attendance here. Let me have
 “the honour and happiness of assuming the character
 “of mediator.” Philip Francis in the character of a
 mediator was certainly a new and strange rôle. On
 the 25th of June Hastings moved in Council: “That
 “under the advice of the Judges, the Council do
 “recede from putting into execution all their resolu-
 “tions passed since the 25th instant, and that all
 “parties should be placed in the same situation in
 “which they stood before the receipt of these orders.”
 This resolution was unanimously carried. So ended a
 memorable conflict, which, but for the tact and judg-
 ment of Impey and the Judges, might have led to
 anarchy and confusion. Five days later Philip Francis
 enters in his journal :

“*June 30th.*—On Monday General Clavering invests himself with
 “the Order of the Bath, and we attend Council. A lucky star it
 “is, and appears to us at a most seasonable juncture. The
 “Governor orders a salute, and recommends circulars to notify the
 “honour done to Clavering. I thought this a pitiful condescen-
 “sion.”

A month later we have the following entry :

“*August 30th.*—Sir John Clavering, after a delirium of many
 “hours, expired at half-past two p.m., and was buried at eight in
 “the most private manner.”*

* On the 8th of August, 1777, Hastings married Mrs. Imhoff
 under her maiden name, the bride being described in the register as
 “Miss Anne Maria Appolonia Chapusettin.” Macaulay writes :
 “The event was celebrated by great festivities, and all the most
 “conspicuous persons at Calcutta, without distinction of parties,
 “were invited to the Government House. Clavering, as the
 “Mahomedan chronicler tells the story, was sick in mind and body,
 “and excused himself from joining the splendid assembly. But
 “Hastings, whom, as it should seem, success in ambition and in love

Francis was now the sole survivor of the three hostile Councillors, and Hastings wrote: "The death of Sir John Clavering has produced a state of quiet in our councils which I shall endeavour to preserve during the remainder of the time which may be allotted me." In December Wheler arrived, and, as a rule, supported Francis. But Hastings had the strong adherence of Barwell and his casting-vote, which enabled him to carry out his policy in home and foreign affairs.

In July instructions from the Court of Directors relative to the new settlement reached the Indian Government. They showed that the Company was a considerate and careful observer of their dominion. They had considered Hastings' plan for letting the lands on leases for life, and that of Francis for establishing a fixed invariable rent, but they "did, for many weighty reasons, think it not then advisable to adopt either of these modes." The lands were to be let for a year on the best terms procurable, but they were not to be put up to auction. A strict preference was to be given and every indulgence shown to the native inhabitants. No European, or the native servant of a European, was to hold any share of the lands. Hereditary Zemindars were to remain in possession of their zemindarees as long as this could be done with safety to the revenue. The fair spirit in

"had put into high good humour, would take no denial. He went himself to the General's house, and at length brought his vanquished rival in triumph to the gay circle which surrounded the bride. The exertion was too much for a frame broken by mortification as well as by disease. Clavering died a few days later." Clavering, a grim old soldier, was the last man to be led in triumph by his rival. He died twenty-two days later (30th August). Impey writes: "Sir John Clavering was taken ill about a fortnight ago, returning home from a visit to my house. He died, and was buried yesterday."

which the instructions were conceived is illustrated by the fact that the terms were to be so moderate that the Zemindars would be able to maintain the respect of their dependents. "This object, the Court directed, "might be kept in view in every agreement made "with them."* Demands were to be made for outstanding balance, but they authorized the Governor-General to grant remission. As long as the Zemindar or renter fulfilled his engagements he was not to be dispossessed or compelled to pay an advanced rent without the most substantial reasons for such advance. According to the instructions of the Court, the lands were let for a year, the preference being given to the old Zemindars on an average of the collections of the three preceding years. The plan of the settlement declared that, in case the Zemindars fell in arrears, "they shall be liable to be dispossessed, "and their Zemindarees, or portions of them, shall be "sold to make up a deficiency."†

The plan of annual settlements was adopted for the three following years. It was then found that the Provincial Councils could not exercise an effective superintendence, and they were abolished and a Metropolitan Board of Revenue appointed. It consisted of four experienced revenue officers, who were instructed to form a plan for the future assessment and collection of the revenues. "The amount of the assessment," their report stated, "must depend on the capacity of "the different districts. In some the assessment will "be found already too great; others again, and the "greatest part, will admit of an increase." They formed an estimate of the capacity of the different districts

* Peter Auber, *Rise and Progress of the British Power in India*, vol. i., p. 543.

† Sir John W. Kaye, *The Administration of the East India Company*, p. 172.

from antecedent accounts, without recurring to local inspection and research. The mode of settlement, they said, "which appears to the Committee the most convenient and secure for the Government and the best for the Ryots and the country is, in general, to leave the lands with the Zemindars, making the settlement with them." The preference was as in former instances to be given to the Zemindars, and only in the event of their unwillingness or disability were the contracts to be concluded with others. "The considerations," it was added, "which ought to preclude the Zemindars are their gross mismanagement, oppression, or incapacity." The leases were to be paid for one year, renewable by all who had punctually paid their rents. The proposed plan was adopted by the Government of India, with some slight modification not affecting the principles upon which it was based.* It was in practice found impossible to collect the entire annual settlement, and Hastings wrote some wise words on this difficult point which ought to be remembered by every Indian ruler. "It may perhaps in time be possible to prevent nearly any diminution, either in the amount of the settlement or collections; but, whilst the Government requires so large a proportion of the produce of the country, causes beyond the reach of human control will occasionally operate to render some indulgence in favour of its subjects indispensable, and the formality of agreements will but ill justify the rigour of exaction." He did not consider the present settlement too heavy, but he pointed out an evil which must always be watched in the revenue settlement of large areas. "The particular distribution will in many instances be found

* Sir John W. Kaye, *The Administration of the East India Company*, p. 173.

“unequal, a defect in the system which can never be remedied by any permanent rule, but must be corrected by temporary application, according to the exigency of particular circumstances.” With regard to the rights of the Zemindars he wrote :

“Our Government, on grounds which more minute scrutiny may, perhaps, find at variance with facts, has admitted the opinion of their rightful proprietorship of the lands. I do not mean to contest their right of inheritance to the lands, whilst I assert the right of Government to the produce thereof. The Mahommedan rulers continually exercised, with a severity unknown to the British administration in Bengal, the power of dispossessing the Zemindars on any failure in the payment of their rents, not only pro tempore but in perpetuity. The fact is notorious ; but lest proof of it should be required, I shall select one instance out of many that might be produced ; and only mention that the Zemindary of Rajeshahy, the second in rank in Bengal, and yielding an annual revenue of about twenty-five lacks of rupees, has risen to its present magnitude during the course of the last eighty years, by accumulating the property of a great number of dispossessed Zemindars, although the ancestors of the present possessor had not by inheritance a right to the property of a single village within the whole Zemindary.”

After the abolition of the Provincial Councils, the direct management of the District Revenues was definitely entrusted to the British Collectors, and from that time the British Government began to undertake the internal administration of the country. Though Hastings' arrangements and institutions have been modified by subsequent experience, to him belongs the credit of having given form and consistency to our civil polity in India. He had to create order out of chaos. His letters show the difficulties he encountered in constructing the framework of civil administration from the want of local knowledge, from the inefficiency and opposition of a refractory and corrupt Civil Service, and the veniality of native agents.

A leading chapter in Hastings' domestic policy was his fruitful and vigorous efforts for the management of

First appointment of British Collectors.

Salt administration.

the salt trade. The salt tax was a legacy left us by our predecessors. Under the Mahomedan Government an *ad valorem* duty of 5 per cent. payable by Gentoo, and $2\frac{1}{2}$ per cent. payable by Mussulmen, was levied at Hoogly on the wholesale price of salt transported into the interior of the country. Clive had proposed, in order to put an end to corruption, that the totally inadequate salaries of the civil servants should be raised, and they should be absolutely prohibited from embarking in private trades. The Court of Directors refused to sanction the proposal. Then Clive, seeing that the inadequate salaries were fatal to the interests of the country and Company, established a Society of Trade to conduct the traffic in salt, and new regulations were framed for increasing the duties of the Company on salt from 35 to 50 per cent.; for reserving to the Company's servants "a reasonable share" of emoluments; and for giving greater advantages to native dealers and agents than had before been conceded to them. This scheme was discontinued by order of the Court of Directors after two years' trial. They commanded that the inland trade should be thrown open, and they prohibited their servants from being concerned in the manufacture or sale of salt. In 1772 Hastings, when Governor of Bengal, determined again to assume the management of the trade for the use of the Company. The manufactories were let for five years, but a certain quantity of the salt manufactured was to be delivered to the Company at a given price, to be dealt out to the native conductors of the inland trade who had made advances to aid the farmers in the payment of their labourers employed in the manufacture. In 1772 the practice of farming was continued, but the produce was left to the farmer's disposal. As the system did not prove a success, Hastings proposed to the Council, in a minute

dated the 9th of September 1780 : "That all the salt
 "of the provinces be manufactured for the immediate
 "account of the Honorable Company, and sold for
 "ready money at moderate fixed rates, to be ascer-
 "tained and published at the beginning of every
 "season by the Governor-General and Council."
 Hastings' scheme was strongly opposed by his col-
 leagues, but the result more than justified his anticipa-
 tions. The first three years yielded a net revenue of
 £464,000, and the three years before the Government
 of Lord Cornwallis £522,450. Hastings, in the account
 of his stewardship, writes :

"The conquest of a foreign principality, which had added half a
 "million of pounds sterling to the national income ; a splendid
 "extension of dominion ; and a large store of lucrative offices to
 "ministerial patronage, though purchased with the blood of
 "thousands, maintained with an enormous expense of fortresses
 "and military garrisons, and the hazard of national disgrace, with
 "the loss of it ; would have crowned the warrior, by whose
 "fortunate valour it was won, with deathless glory ; and votes of
 "parliamentary thanks, bonfires, and illuminations, would have
 "proclaimed his praise and the public triumph. A bloodless
 "accession of public income, gained by the silent operation of
 "official arrangement, perpetuated in its duration, and fixed in its
 "value by its inherence to the essence of the state itself, unin-
 "cumbered with military establishments and frontier defences, and
 "ministering subsistence to a whole people both in its immediate
 "distribution as a necessary of life, and by the returns of a foreign
 "commerce, is allowed to sink unnoticed in the blended accounts of
 "the general treasury, because it was not produced by any of those
 "efforts of the mind to which human pride has affixed the claim of
 "renown, and in which every man appropriates to himself a share
 "of the national glory."*

While Hastings was improving the Revenue Admin-
 istration, and introducing a wise fiscal policy, he was with
 dauntless spirit and unfailing energy carrying on war.

The treaty of Purandhar established peace between the British Government and the ministerial party, and

Treaty of
Puran-
dhar.

* Hastings' *Review of the State of Bengal*, p. 77.

dissolved the alliance with Raghoba. It proved, however, only a temporary and hollow truce. The Bombay Government continued to give protection to Raghoba, and the Mahrattas delayed and evaded the concessions they had made. It was impossible that any treaty which left Salsette in the hands of the English would meet with the approval of the patriot party in the capital of the Deccan. Two years passed in appeals from the Bombay and Poona authorities to the Governor-General in Council, and in ineffectual though earnest endeavours on their part to reconcile them. Then a new feature was added to the dispute by the arrival of the Chevalier de St. Lubin at Poona. Nana Fadnavis, the great Mahratta statesman who had strenuously obstructed the fulfilment of the treaty, immediately attached himself to the Chevalier. The British Envoy complained that "indeed, in every respect they paid the "greatest attention to the French." And M. de St. Lubin was received with great pomp by the Peshwa when he delivered his credentials, "being "letters from the King and Ministers of France." The main object of the Chevalier was to establish a factory, supported by a military force, at Poona, and to obtain a seaport near Bombay.* If he had succeeded the French would have regained their former importance in India, supported by all the powers and resources of the Mahratta Empire, and the English would have had to battle with them for supremacy in the East. The Bombay Government rightly remarked: "If time is given to the French for the French Ministry "to take their measure, and to supply Nana with "a body of forces, we can expect nothing but a repeti-

* The letters from J. Madjett and Mr. Farmer, of the Bombay Civil Service, published in the *Selections from the Bombay State Papers* (Mahratta Series), pp. 291 and 296, reveal in detail the exploits of M. de St. Lubin.

"tion of the scene of wars and intrigues formerly acted
"on the coast of Coromandel, which will certainly
"be fatal to the influence of the English on this coast,
"and may end in our total subversion." At this
critical time the rivalry between Sakaram Bapu, the
aged premier, and his younger associate Nana Fadnavis
created a division in the Poona Cabinet, and the
former made overtures for the assistance of the Com-
pany to restore Raghoba to Poona. The Bombay
Government resolved "that if a formal application
"were made it might certainly with the utmost justice
"be considered as an application from the Mahratta
"State, and treated accordingly: as Sakaram Bapu is
"the Divan, or first officer of the Government, and the
"principal person with whom Colonel Upton concluded
"the late treaty on behalf of the State, he being
"the Minister first named in the treaty." It was also
ordered that "the resolution be immediately forwarded
"to the Governor-General and Council, who, we flatter
"ourselves, will do justice to our motives, and afford
"their approbation and support to the step we have
"taken, and to the measures we may further pursue."
The approbation and support of the Supreme Govern-
ment were, after a stormy debate, gained only by the
casting-vote of Hastings, who, owing to the death
of General Clavering, had recovered his ascendancy in
Council. Francis and Wheler condemned the resolu-
tion as illegal, unjust, and impolitic. They argued that
it was illegal because it was taken without the sanction
of the supreme authority; unjust because it was con-
trary to the Treaty of Purandhar; and impolitic because
it involved the English in the dangers and burdens of
war. Hastings and Barwell argued that the emergency
justified the illegality; that it was not contrary to the
treaty, because the principal person with whom the

treaty had been made had proposed it ; and that it was not impolitic, because it would give the English permanent influence in the Mahratta Empire. After considerable discussion, and after minutes of statesmanlike ability and force had been dictated and read at the Council Board both by Francis and Hastings, the following main resolutions were adopted : that the President and Council of Bombay are warranted by the Treaty of Purandhar to join in a plan for conducting Raghunathrao to Poona on the application of the ruling part of the administration of the Mahratta State ; that a supply of money, to the amount of ten lakhs of rupees, be immediately granted to the President and Council of Bombay ; that military assistance be sent to the Presidency. A force under Colonel Leslie was ordered to cross the Continent, and place itself under the orders of the Government of Bombay.

On the 8th June a letter reached the Board from Colonel Leslie informing them that he had met with some slight opposition from the Mahrattas, and Francis took advantage of the occurrence to propose, with the pertinacity which distinguished him, that " the expedition should be absolutely countermanded, and Colonel Leslie's present command of course dissolved as soon as he has quartered his troops on this side the Jumna in the best manner the season will permit."* Before the proposition could be discussed news of a very grave nature reached the Board. The Bombay Government wrote to them : " It is with much concern we acquaint you that, by the *London Gazette* of the 16th December just received from Bassora, we learn that General Burgoyne with his whole army, consisting of 3,500 fighting men, was compelled to surrender to General

* *Secret Select Committee's Proceedings*, 11th June, 1778, vol. ii., p. 623, 624.

News of
the sur-
render of
General
Burgoyne.

"Gates on the 14th of October on condition of being
"transported to England from Boston, and not to
"serve again in America during the war. General
"Howe remains in possession of Philadelphia, with
"which place the fleet have in vain endeavoured to
"open a communication, and three of our ships have
"been destroyed in the attempts, viz., the *Augusta*, of
"64 guns, the *Roebuck*, of 44, and the *Merton* of 16.
"General Washington was encamped within a few
"miles from Philadelphia, and the Congress had
"removed to Lancaster. General Clinton with a small
"army had proceeded up the river of New York and
"had met with some success."* Francis requested his
colleagues to consider "whether the unfortunate event
"in America ought not to have a general influence
"upon our measures here, whether this be a season for
"hazarding offensive operations of any kind, and
"whether policy and prudence do not plainly dictate
"to us that, while the nation is so deeply engaged and
"pressed on one side, with everything to apprehend
"from the designs of France and Spain on the other,
"we should stand on our defence, and not weaken or
"divide the force on which the safety of Bengal may
"depend."† Hastings replied with the force and
dignity which he could command when occasion required:
"I hope that our affairs in America are not in the
"desperate situation in which they are described to be;
"but I see no connection between them and the concerns
"of this Government, much less can I agree that with
"such superior advantages as we possess over every
"power which can oppose us, we should act merely
"on the defensive and abruptly stop the operation of a

* *Secret Select Committee's Proceedings*, 22nd June, 1778, vol. ii., p. 630.

† *Ibid.*, p. 634.

"measure of such importance to the national interests
 "and to the national safety as that in which we have
 "now decidedly engaged, with the eyes of all India
 "turned upon it. On the contrary, if it be really true
 "that the British arms and influence have suffered so
 "severe a check in the Western world, it is the more
 "incumbent on those who are charged with the interest
 "of Great Britain in the East to exert themselves for
 "the retrieval of the national loss."*

On the 7th of July 1778 the Government "received
 "intelligence, by way of Suez, that war was declared
 "by the Court of France against England on the 30th
 "of March last."† A Council was immediately held,
 and Hastings, after bringing forward various measures
 concerning the defence of the city and province,
 proposed that—"Raja Cheyt Singh be required in
 "form to contribute his share of the burthen of the
 "present war by consenting to the establishment of
 "three regular battalions of sepoy, to be raised and
 "maintained at his expense."‡ Francis acquiesced in
 the proposal, but suggested that Cheyt Singh "should
 "be informed that this additional charge will not
 "be imposed upon him beyond the continuance of
 "the present war."§ Hastings remarked that "the
 "qualification proposed was consonant to my intention
 "on the question and implied in it;" but he could not
 agree to have any specific words added to the pro-
 position, as the matter involved a grave principle. "I
 "agreed," he stated, "to add to the question the
 "following words, 'and to be disbanded at the end of
 "'the war;' but perceiving that the difference in our

* *Secret Select Committee's Proceedings*, 22nd June, 1778, vol. ii., p. 634.

† *Ibid.*, 7th July, 1778, vol. ii., p. 637.

‡ *Ibid.*, 9th July, 1778, vol. ii., p. 637.

§ *Ibid.*, 9th July, 1778, vol. ii., p. 638.

“opinions upon this subject arises not from a disagreement respecting the requisition simply considered by itself, but from a different understanding of the right of the Company to exact, under any pressure of affairs, more than the sum stipulated by the sunnud granted to Cheyt Singh and the kubbooliat given by him in return; I must therefore adhere to the question as it stands, wishing to avoid the question of right. If, however, we cannot agree upon this point, still, I would wish to have the requisition made in the words of the question, and leave the decision of future right to our superiors.”* At the close of the debate Hastings again reiterated his opinion as to the right of the paramount power to make the demand. His words were: “I agree to the question in the original terms of it, deeming it a right inherent in every Government to impose such assessment as it judges expedient for the common service and protection of all its subjects; and we are not precluded from it by any agreement subsisting between the Raja and this Government.”† It was “resolved that the Raja Cheyt Singh be required in form to contribute his share of the burthen of the present war, by the establishment of three regular battalions of sepoy to be raised and maintained at his expense, and the Governor-General is requested to write to him to that effect.”†

Though no formal intimation of the war with the French had reached Bengal, Hastings determined, by a decisive stroke, to take possession of the French settlements in India. A force was immediately despatched to demand the surrender of Chandernagore, and on the 10th of July Colonel Dow wrote to the Board: “In

Capture of
Chander-
nagore.

* *Secret Select Committee's Proceedings*, 9th July, 1778, vol. ii., p. 638.

† *Ibid.*, p. 639.

"obedience to your demands, I took possession of
 "the French factory at Chandernagore this morning at
 "10 o'clock. As I found various pretensions of delay
 "were made, not admissible by the tenor of my orders,
 "I was under the necessity of ordering the Company's
 "troops to advance within the barrier where a guard
 "of sepoys was posted under the command of a French
 "officer. On this occasion the enemy's guards of the
 "barrier having fired by order of their officer, without
 "effect, a platoon was returned which killed four
 "sepoys and wounded three or more. This accident
 "was unavoidable. The guard dispersed and the
 "troops entered the town of Chandernagore, where
 "everything was afterwards conducted with the
 "greatest regularity."* A letter was also received
 from Monsieur Hocquart, late Commandant of Chandernagore, demanding that the Board should accept certain specific articles of capitulation proposed by him, and expressing a hope that the inhabitants would be well treated. He also desired to be acquainted "with the
 "reasons for the violence and force which you have
 "used towards the French nation in whose name
 "I speak to you."† To his letter the Board sent the following reply: "The instructions which we have
 "given to Lieutenant-Colonel Dow being grounded on
 "certain information that a war was declared by the
 "Court of Great Britain against France on the 18th of
 "last March, and by that of France against England on
 "the 30th of the same month, we cannot depart from
 "them. We beg leave, however, to acquaint you that
 "it forms a part of our orders to Colonel Dow to treat
 "the inhabitants of Chandernagore with all possible

* *Secret Select Committee's Proceedings*, 11th July, 1778, vol. ii., p. 642.

† *Ibid.*, p. 646.

“lenity and tenderness. We have no doubt he will
“attend to this injunction as far as may be consistent
“with their present situation and the usages of war in
“such cases.”* The French Commander in reply
reminded the Council that they “make no manner of
“answer to the ten articles in my letter,” and added :
“I do not think that requiring of the inhabitants
“the keys of their godowns and warehouses where he
“himself goes to take inventories (a commission
“beneath the rank he holds) is a mark of mildness and
“attention.”* The Governor-General replied : “We
“did not think it necessary to answer specifically to
“the different articles which you had proposed to our
“consideration, because the circumstances under which
“the town of Chandernagore was surrendered did not
“appear to be those of a capitulation.”†

The merchants of Chandernagore also addressed an
indignant remonstrance to the English Commandant.
They put forward an ingenious and plausible argument
that they should be unmolested, because “the English
“settled in France have peaceably exerted their
“industry in times of war, and the same indulgence
“has been granted to the French settled in England.”
“We think, Sir,” they wrote, “this latter situation
“with some exceptions to be nearly that which we
“have in Bengal. We have no other circulations than
“the moneys which your Government coin ; we know
“no laws but those which you impose on us. Our
“Government, faithful to its treaties, has only estab-
“lished an administration at Chandernagore to give
“some sanction to our existence and to judge our
“differences according to our civil laws. If we had

* *Secret Select Committee's Proceedings*, 11th July, 1778, vol. ii.,
p. 647.

† *Ibid.*, p. 648.

“not thought, Sir, that such was our existence in Bengal, and if our interests, blended with those of the English, had not strengthened us in this opinion, we should never have abandoned ourselves to your discretion, in exercising our industry in a country at 60 leagues’ distance from the sea, and surrounded on all sides by your troops, in which, making sacrifice of our properties, we have not even the hope of sheltering our liberty.”* The English Commandant with graceful flattery was regarded as one “well acquainted with everything appertaining to history,” and he was reminded of the generous treatment that an English ship of war received from the Governor of Havannah. “The history which relates this fact makes no mention of the Governor having been blamed by his Court, and all Europe admired the like conduct. So much is the law of nations superior to that of war.”†

Colonel Dow forwarded the letter from the merchants to the Supreme Council, and they directed that all reasonable indulgence should “be shown to them in the full and free possession of their houses.”‡

of A despatch was sent to Madras announcing the war and with the French, and desiring that immediate steps should be taken for the capture of Pondicherry and of Mahé. It must have reached its destination with unusual expedition, for according to a letter dated the 8th of August, “the troops that had been encamped near Conjeveram, consisting of two battalions of Europeans, three companies of artillery, and six battalions of sepoys with sixteen 6-pounders, encamped on the Red Hills, within 4 miles of Pondicherry, and

* *Secret Select-Committee’s Proceedings*, 14th July, 1778, vol. ii., p. 651.

† *Ibid.*, p. 652.

‡ *Ibid.*, p. 653.

“were intended to prevent any succour being thrown into the fort.”* More troops, battering cannon, and all sort of stores had, however, to be brought from Madras, Vellore, Tanjore, and Trichinopoly, and many days elapsed before anything could be done. “On the 31st August some cannon and stores being arrived, and the fort and its environs having been examined, it was resolved to carry on two attacks, the one to the northward against the north-west bastion, the other to the southward against the bastion called Dauphin; a battery was begun to be erected this night on the south-west to inflade their works, to contain four 24-pounders and some mortars. The enemy fired continually on this work, but on the 4th September the battery was completed.” On the 6th September the besiegers “broke ground to the northward and in the night drew a parallel within six hundred yards of the town. . . . On the morning of the 18th September all the batteries opened. The fire from the fort was very heavy on all sides, but towards the evening our batteries had apparently the advantage and the enemy’s fire decreased greatly.” The approaches both on the north and south side were carried forward with unremitting vigour, but the vigilance and fire of the enemy, and the violent rains, retarded the progress of the operations. “On the 14th October the bridge-of-boats that was intended to be used for the passage of the ditch on the south attack being completed, and a float being prepared for the same purpose to the northward, it was intended to assault the place about 8 o’clock in the morning on the 15th. But about 11 in the forenoon the water forced itself into the gallery with such violence that

* *Secret Select Committee’s Proceedings*, 30th November, 1778, vol. ii., p. 662.

"it broke down and damaged some of the boats. . . .
"Though the assault could not take place, yet an
"attack was made on the ravelin to the northward
"about 2 o'clock in the morning; the ravelin was
"surprised, and the enemy's party of twenty-two
"Europeans were mostly killed, wounded, or taken
"prisoners. Some sepoys escaped, as did some
"Europeans. We spiked four cannon and four mortars,
"destroyed a good many arms, and a quantity of
"ammunition. The 16th the gallery was repaired, and
"it was resolved to assault the place next morning,
"and the necessary orders were to have been given to
"the troops in the evening, but about 11 in the fore-
"noon Monsieur De Vellite, Aide-de-Camp to Major-
"General Bellecombe, came with a flag of truce from
"the fort."* The besiegers by the generosity of their
terms bore witness to the gallantry of the besieged.
The garrison were allowed to march out with all the
honours of war; and at the request of General
Bellecombe the regiment of Pondicherry was allowed to
retain its colours. After a lapse of some months the
fortifications were destroyed. The French now retained
in India nothing but Mahé, and on the 13th May 1779
the Governor-General received a letter from Fort
St. George announcing the surrender of that place.
The Madras Government also enclosed a letter from
Hyder Ali strongly protesting against an attack on a
French factory situated in his dominions. He had
a month previously written direct to the Governor-
General as follows:—"I see what you write concerning
"your intentions against the French factory of Mahé.
"In my country there are factories belonging to the
"English, Dutch, Portuguese, Danes, and French, and

* *Secret Select Committee's Proceedings*, 30th November, 1778,
vol. ii., p. 663.

“besides them there are many merchants here who are
 “considered as my subjects; if any one entertains
 “designs against those traders I will without doubt
 “take the best and most considerate method to give
 “them assistance. It you are not already acquainted
 “with this, you may inform yourselves of those who
 “have been long members of your Council.”*

The growing hostility of Hyder threw a new and formidable difficulty in the way of Hastings: and the faction within the Council, as well as the exhaustion of the treasury, added bitterness to the miserable result of the war. The attempt to push into the heart of the Mahratta dominion with a small army had ended in disaster and disgrace.† But the hour of danger is the opportunity of heroes. General Goddard, a soldier of courage and capacity, on hearing of the defeat of the Bombay troops, marched his detachment from Bundelcund to Surat, a distance of three hundred miles in twenty days, and by his timely arrival saved the Bombay Presidency from the grave danger which threatened it, and restored the reputation of the British

* *Secret Select Committee's Proceedings*, 23rd March, 1779, vol. ii., p. 668.

† “On the 28th November, 1778, a British force consisting of about
 “five hundred Europeans and two thousand native infantry left
 “Bombay in order to march on Poona. As the British force advanced
 “the enemy retreated. A vast horde of Mahratta horse harassed
 “their march; and burnt and laid waste the country. When the
 “English reached the village of Jelagoon about sixteen miles from
 “Poona they found the main body of the Mahratta army about
 “50,000 strong prepared to dispute their advance. On the 11th
 “January the Committee, consisting of two Civilian members and
 “Colonel Egerton, to whom was entrusted the conduct of the war,
 “ordered the officer commanding the force to ‘march back.’ At night
 “the heavy guns were thrown into a pond, the stores were burnt and
 “the British force began to retreat. It was fondly imagined that the
 “Mahrattas would not gain intelligence of the movement. But the
 “advance guard had not proceeded far when they were attacked by
 “the enemy. Before dawn the small force was surrounded and fiercely
 “assaulted on rear and flank; and it was sunset before they made

arms.* The Supreme Government, on hearing the news of the disgraceful Convention of Wargaum, which sacrificed all the acquisitions obtained since the first war and gave hostages to a victorious enemy, immediately disavowed it and directed General Goddard to open a fresh negotiation with the Ministers of the Mahratta State on the basis of the Treaty of Purandhar, provided they would recede from the pretensions which they had acquired by the late Convention and would agree not to admit any French force to their dominions, nor allow that nation to form any establishment on the Mahratta Coast.† The Mahrattas would not make peace on these terms, and on the 1st of January 1780 the war was renewed.

To divide the Mahratta strength and divert it from General Goddard, Hastings determined to despatch a small force to protect the territory of the Raja

"good their retreat to the village of Wargaon. The only consoling circumstance was that 'the troops during the whole time behaved 'with the greatest bravery.' The hours of respite were few. At 'daybreak the enemy's guns began to play on the village, and they 'advanced to the attack. They were repulsed. But they came 'on again and again, and the battle raged the whole day. On the '13th instant we read, 'a Committee was held to deliberate relative 'to overtures for the peaceable return of the army to Poona. No 'minutes taken, being in a severe cannonade and a number of persons 'standing round.' On the 17th July the convention of Wargaum 'was signed and the force marched back to Bombay."—*Selections from the Bombay State Papers* (Mahratta Series, pp. 369-374).

* "What reward will our superiors bestow on the man who has 'been the happy instrument of retrieving the recent dishonor 'which has tarnished the English name? Let me receive my 'customary portion of censure for having projected the expedition; 'I expect it. But his conduct in the execution of it, which has no 'relation to the principles of its formation, must surely entitle him 'to universal applause."—*Letter to Lawrence Sullivan*, 18th April. 1779; Gleig, *Memoirs of Warren Hastings*, vol. ii., p. 273.

† *Selections from the Bombay State Papers* (Mahratta Series), p. 386.

of Gohud lying on the Jumna, sixty miles south-east of Agra, from the encroachments of Sindia. The detachment under the command of Major Popham advanced in February, and after expelling the Mahrattas from Gohud assaulted and captured the fortress of Lahar. It was, however, felt that the force was too small to materially divert the Mahratta strength, and it was therefore proposed that a larger force under Major Camac should be sent to invade Mahadajee Sindia's country and to attack his capital. This proposition was vigorously opposed by Francis and Wheler in a minute dated 15th June 1780. They opposed it on the ground of expense, the time chosen, and because they considered that "a peace was indispensably necessary to save the India Company, and every interest connected with theirs, from the greatest distress if not certain ruin."* Hastings replied that "the rainy season is no impediment to our troops, but a great one to the Mahrattas, which consisted only of cavalry." "The objection made to the expense," he admitted, "is a material one," but "a vigorous assertion," he remarked, "cannot be made without expense, nor can the war either be concluded honourably or prosecuted successfully without such an exertion. Feeble measures and advances for peace will but add to the strength and presumption of our adversaries, discourage our friends, and perhaps induce them to become parties against us. The resources of this Government, exhausted as they are, and withheld from it by its internal imbecility, are yet equal to every probable contingency of the present war, if it is conducted on a consistent plan, and that not varied by desultory votes of Council on every measure

* *Secret Select Committee's Proceedings*, 19th June, 1780, vol. ii., p. 693.

“for its prosecution.”* As the main arguments of his opponents were drawn from the low state of the treasury and the inability of the Government to support the expense of the expedition, Hastings, after pointing out that the pay and batta of the troops would be the same whether they remained in their original quarters or marched to the capital of Sindia, stated—“The contingencies of the detachment are “therefore the only expense that can be reasonably “charged to the expedition. These I rate far below “two lakhs of rupees. That sum I offer to contribute “to this disbursement. I have already deposited “it within a small amount in the hands of the Sub- “Treasurer, and I beg that the Board will permit it to “be accepted for that service.”† In a letter dated 30th August 1780, Hastings communicated to his friend Sullivan the fact of having advanced this money. He wrote—“Do not be surprised, nor misinterpret my “intention. I had no secret view of catching the “public applause by an ostentatious display of super- “erogatory virtue, and the temporary sacrifice of my own “fortune in the hopes of future repayment; the money “was not my own; it was a peace offering from the “Raja of Benares, which he had deputed his most “confidential servant to Calcutta to make to me, and “to solicit my pardon for all his past offences. I gave “the man assurances of my forgiveness, but refused to “accept the money, and he was on the point of return- “ing when these debates in our Council began. It “occurred to me to convert it to a public use; I gave “him an opportunity of repeating the offer, and “accepted it, directing it to be delivered to Mr. Croftes,

* *Secret Select Committee's Proceedings*, 26th June, 1780, vol. ii., p. 701.

† *Ibid.*, p. 702.

“our Sub-Treasurer, and him to receive it as a deposit in my name. It has since been re-coined, and turns out about two lakhs of sicca rupees. I believe I shall communicate this fact to the Court of Directors; but if I do not, I give you permission to make what use of the above relation of it you think proper, declaring upon my honour that I never will reclaim the money, and that I disclaim any title to it, as I should not have taken it, but for and on the occasion which induced me to receive it, or one similar to it.”* Hastings did communicate the fact to the Court of Directors. In a letter to them, dated 29th of November 1780, he wrote—“The money was not my own, and I neither could, nor would have received it, but for your benefit.”

The acceptance of this present was one of the charges of bribery brought against Hastings, but after the various and frank avowals which he made of having received it, it is impossible to believe that he could have had an idea of converting it to his own use. He ordered it to be deposited in his name because he was averse to his opponents in Council having any power over its disbursement, and for the same reason he worded his offer in such a manner as to lead them to suppose that he meant to give it from his own fortune. The perpetual dissensions in Council and the almost unremitted opposition made to the measures proposed by Hastings induced him to do many unconstitutional acts which he would not have done had he been free and unshackled. If he received sums of money without the consent of his colleagues, it must be borne in mind that he also expended sums of money without their participation or consent. He paid without their knowledge three lakhs of rupees for the uninterrupted

* Gleig, *Memoirs of Warren Hastings*, vol. ii., pp. 303, 304.

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* Gleig, *Memoirs of Warren Hastings*, vol. ii., pp. 303, 304.

passage of our army to the coast. Hastings had also often to spend sums of money on secret service which he had every reason to believe the majority would oppose. When Francis left India and the opposition ceased, the sums of money which Hastings received were carried to the public accounts without delay, and without any circuitous proceeding.

Francis and Wheler persisted in their opposition to Hastings' proposals regarding the conduct of the war, and Francis wrote an able and comprehensive minute, in which he attacked vigorously the whole war policy of Hastings. "The Governor-General," he writes, "talks of friends *who may be discouraged, and who perhaps may be induced to become parties against us.*" "We wish that the names of those friends had been mentioned. We do not know that this Government has a single friend or ally in India in the true sense of friendship and alliance, which supposes the power of giving assistance and a disposition to give it."* Francis did not deny that feeble measures and advances for peace may give strength and presumption to their adversaries, but he added—"We never meant to propose feeble measures, which necessarily defeat themselves: nor yet do we approve of vigorous measures, in the sense in which vigour has been hitherto understood, because we are convinced that this Government is unable to support them, and that if they could be supported a short time longer they would not bring us nearer to our object. Before the commencement of the war we foresaw and foretold the principal consequences that would attend it. We now judge of it by its effects, which we hope will

* *Secret Select Committee's Proceedings*, 13th July, 1780, vol. ii., p. 706.

"be considered, though every other sort of argument
"should continue to be disregarded."*

The tone of the minute and the taunt of failure could not fail to rouse the wrath of Hastings. His anger was increased by the belief that Francis was guilty of a gross breach of faith. At a meeting of the Council held on the 25th January 1779 Hastings had delivered a minute in which he discussed the intimation given by Mr. Barwell of his intention to return to England. He stated it would be fatal to the success of the Mahratta war if it were known at Poona and Nagpur that the powers of the Government were "on the eve of devolving to two Members, who "have invariably opposed in every stage of its progress "the plan which has been publicly adopted for the "support of the Company's interest on the western "side of India, and who, it is universally believed, will "seize the first means which are offered to them to "defeat and annul it altogether." He added—"A "Member of this Government entrusted with the "guardianship of the Company's interests, and of the "honour of the British name in India, has not scrupled "to propose that we should make an abject submission to "the honourable possessors of the feeble Government "of Poona, acknowledging our past faults with a "promise of amendment, and humbly entreating their "permission for the safe retreat of our army from "Berar to its confines;" and he supported this statement by quoting some remarks made by Francis in a recent minute. Hastings then in the most emphatic manner implored Barwell not to carry out his intention of proceeding to England. "I do therefore conjure "Mr. Barwell, both by that zeal which he has hitherto

Discussion
regarding
Barwell's
intention
to pro-
ceed to
England.

* *Secret Select Committee's Proceedings*, 13th July, 1780, vol. ii.,

“so steadily manifested for the interests of our common masters, and even by the ties of a friendship cemented by a participation of the same labour and sufferings for the public service, that he will not permit the measures in which he has a common and equal responsibility with myself, to be exposed to the triumph of a party, but that he will both continue to afford the support of his presence and abilities to the present Government while it yet exists, and that he will suffer me to exact from him a declaration to that purpose, not only for my own satisfaction but for that of every man who has the Company’s interests or the prosperity of this settlement, or the credit of his country at heart, and who, I presume to say, expects this sacrifice from him.”* Barwell responded to the appeal of Hastings and declared that “the reasons that are assigned for it by the Governor-General require me absolutely to retract the intention. I have declared I admit the force of them, and with pleasure declare my determination to support his Government as long as the public measures of it shall require me.”* Francis remarked that he and the Governor-General differed greatly in their respective ideas of national honour. “I have no idea of national honour independent of justice. The projects of ambition are usually dangerous. If they are nothing but the projects of ambition, they are, in my judgment, always dishonourable. To revert to that pacific system which the Company have uniformly prescribed to us, to endeavour to conciliate the friendship, which we have unjustly or unwisely departed from, and to return, if it be possible, to the terms of a treaty which we ourselves have wantonly violated, are not acts,

* *Secret Select Committee’s Proceedings*, 25th January, 1779, vol. ii.,

“that will ever, as I think and as I feel, bring dishonour
 “on the British name. I am sure they are the best
 “means of preserving our strength and our real influ-
 “ence in India, and I have no doubt that they will meet
 “with the highest approbation from home. As long as
 “I am trusted with any share in the office of guardian
 “of the British interests and honour in this country,
 “these shall be the principles on which I will invariably
 “act.”*

Five days after this acrimonious discussion had taken place in Council it is somewhat surprising to find Hastings writing to his friend Sullivan as follows:—“I have assented to an accommodation with
 “Mr. Francis, the essential points of which are agreed
 “on.” In a letter dated the 4th March he again informed his friend of a reconciliation having taken place between himself and Francis, and quotes the conditions of the agreement. The first he gives in the following words:—“Mr. Francis will not oppose
 “any measures which the Governor-General shall
 “recommend for the prosecution of the war in which
 “we are supposed to be engaged with the Mahrattas,
 “or for the general support of the present political
 “system of this Government. Neither will he him-
 “self either propose or vote with any other Member
 “who shall propose any measure which shall be contrary
 “to the Governor-General’s opinion in these points.”†
 He proceeds to inform Sullivan that “Mr. Barwell,
 “who was privy to the treaty in all stages of it, had
 “determined to return to England in consequence with
 “my free consent.” He then speaks in the following

Accommo-
 dation
 between
 Hastings
 and
 Francis.

* *Secret Select Committee’s Proceedings*, 25th January, 1779, vol. ii., p. 667.

† Gleig, *Memoirs of Warren Hastings*, vol. ii., p. 251; *Secret Select Committee’s Proceedings*, 20th July, 1780, vol. ii., p. 712.

handsome terms of the man who had been for the past five years his bitter foe, and had thwarted him in every political action : " In this instance I have " proved the sincerity with which I have acted, and my " reliance on Mr. Francis's faith and honour, and I must " add in testimony of both, and in justification of my " own discretion, that he has behaved so openly and " with so little of the reserve and caution of a man " actuated by indirect views, that I am certain and " venture to promise you that I shall suffer no loss " of power or influence by Mr. Barwell's departure, " though I shall miss and greatly regret the want of that " aid which I might have derived from his friendship, his " judgment, and his official resources had he stayed, " and that I shall find Mr. Francis both true to his " engagements, and ready and willing to give me his " support and assistance to the period destined for our " acting together as joint members of this Administra- " tion ; I am not the least fearful of the reverse."*

What had lowered the pride of Hastings into an accommodation with Francis was the need of a united Government to meet the foreign and internal dangers which threatened the very existence of our dominion. The speedy and successful termination of the Mahratta war he considered essential to our safety, and it could only be conducted to a prosperous termination by vigorous and united action. To be free to act vigorously he condescended to make terms with his bitter foe, and he believed that Francis would be true to his engagement. But in a very short time he discovered the perfidiousness of his adversary. No sooner had the departure of Barwell again given power to Francis than concessions were demanded with arrogance and were granted. As long as they

* Gleig, *Memoirs of Warren Hastings*, vol. ii., p. 254.

ispute
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did not involve questions of foreign policy, Hastings conquered his pride. Then Francis was rash enough to renew his tactics of obstruction with regard to the conduct of the war, and Hastings in firm but moderate language suggested that his action involved a breach of faith. He wrote—"If Mr. Francis (I am compelled "to speak thus plainly) thinks that he can better and "more effectually conduct the war, to the termination "which we both profess to aim at; and that he can in "honour deprive me of the right, which I claim, to "dictate the means of accomplishing it, let him "avowedly take the lead; but if I am to be charged "with the consequences of it, or if the right which I "claim be justly mine, let him allow me to possess and "exercise it. It is impossible to combine the principles "of enterprise and inaction in the same general measure; "and as impossible for his sentiments and mine to be "brought into agreement on the subject of the "Mahratta war. I have in vain laboured to accom- "modate them by a studied attention to his opinions in "every measure which I have ventured to propose in the "course of the last fifteen months, and have restrained "myself from urging others which, however proper "and necessary for the occasion exclusively considered, "were inconsistent with the actual state and temper "of this Government."* Francis replied by denouncing the entire conduct of the war and refusing to sanction any measure until a general outline of the whole campaign was submitted to him. Hastings felt the time for action had arrived. He, however, never allowed himself to act on impulse, or to be led by temper. He wrote to his friend:—"I debated with myself a "long time how I should act. I now saw plainly that

* *Secret Select Committee's Proceedings*, 26th June, 1780, vol. ii.,
p. 701

“Mr. Francis had deceived me, and that I had no
 “alternative but to let him take the rule and laugh at
 “my credulity, or to make it a matter too serious for
 “derision, and to expose the fallacy which he had thus
 “unworthily practised upon me. This I did in a very
 “strong but deliberate and temperate charge which I
 “had prepared for the next Council day, which was
 “Monday, the 3rd July.”* The charge was not laid
 before the Council till six weeks afterwards, during
 which time negotiations were being conducted for
 both opponents to withdraw their respective minutes.
 On the 14th August, when Hastings saw that all
 attempts to arrive at a compromise were hopeless, he
 sent it to Francis with a private note,[†] and next day
 it was laid before the Council. It opens with the
 assumption that the minute signed by Francis and
 Wheler attacking the war was written entirely by the
 former, and with an expression of disappointment that
 the hint conveyed by Hastings had not “awakened
 “in Mr. Francis’s breast, if it were susceptible of such
 “sensations, a consciousness of the faithless part which
 “he was acting towards me.”[‡]

“I have been disappointed, and must now assume a plainer style
 “and a louder tone. In a word, my objections do not lie to the
 “special matter of his minutes, to which I shall separately reply, but
 “to the spirit of opposition which dictated them. I have lately
 “offered various plans for the operations of the war. These have
 “been successively rejected, as I have successively amended and
 “endeavoured to accommodate them to Mr. Francis’s objections. I
 “had a right to his implicit acquiescence. I have lastly proposed
 “a service requiring immediate execution, and I have freed it from
 “the only objection formally made to it.”

* Gleig, *Memoirs of Warren Hastings*, vol. ii., p. 304.

† “Judging it unbecoming to surprise him with a minute at the
 Council table or send it first to the Secretary, I enclosed it in a
 note to him that evening.”—Gleig, *Memoirs of Warren Hastings*,
 vol. ii., p. 307.

‡ *Secret Select Committee’s Proceedings*, 20th July, 1780, vol. ii.,
 p. 711.

"In answer he says that he adheres to the reasons which had before induced him to withhold his consent, and composedly invites me to lay before the Board a complete detail of the plan for conducting the war, a comparative statement of the whole of the object with the whole of the means of attaining it, and the final extent of my demands on the Mahrattas, or what concession I would make to them; and he promises to enter into the consideration of these points with the utmost candour. If his design in this enquiry was simply to gain information, I might refer him to the large and confidential discussions in which I have laid all my views open to his, with all the grounds on which they were formed. If his purpose was to enable him to form a more clear or competent judgment of the plans which I have proposed, its object would be lost in the time required for the deliberation. But in truth, I do not trust to his promise of candour, convinced that he is incapable of it, and that his sole purpose and wish are to embarrass and defeat every measure which I may undertake, or which may tend even to promote the public interests, if my credit is connected with them. Such has been the tendency and such the manifest spirit of all his actions from the beginning. Almost every measure proposed by me has for that reason had his opposition to it. When carried against his opposition, and too far engaged to be withdrawn, yet even then and in every stage of it his labours to overcome it have been unremitted, every disappointment and misfortune have been aggravated by him, and every fabricated tale of armies devoted to famine or to massacre have found their fast and ready way to his office, where it was known they would meet the most welcome reception. To the same design may be attributed the annual computation of declining finances and an exhausted treasury. Computations which, though made in the time of abundance, must verge to truth at last, from the effect of a discordant Government, not a constitutional decay. To the same design shall I attribute the policy of accelerating the boded event, and creating an artificial want, by keeping up an useless hoard of treasure and withholding it from a temporary circulation."

"I am aware of the answer which will be made to these imputations, and I will anticipate it. Mr. Francis may safely deny them, for they are incapable of positive evidence. He may complain of the injustice and indecency of assuming the interpretation of his thoughts, and assigning intentions to him, upon the reality of which he alone can pronounce with certainty. He may claim an equal right to recriminate upon me, and to pass the same free judgment upon the motives which have influenced my public actions. Against such conclusions I trust that my character will be sufficient to defend me, unless some known instance of it can be produced as a warrant for them, and such I am certain does not exist, either known or unknown."

"My authority for the opinions which I have declared concerning

"certain knowledge. I judge of his public conduct by my experience of his private, which I have found to be void of truth and honour. This is a severe charge, but temperately and deliberately made from the firm persuasion that I owe this justice to the public and to myself, as the only redress to both, for artifices of which I have been a victim, and which threaten to involve their interests with disgrace and ruin. The only redress for a fraud for which the law has made no provisions is the exposure of it."*

In support of this allegation Hastings proceeded to quote the first article of the agreement, and he added — "By the sanction of this engagement and the liberal professions which accompanied it, I was seduced to part with the friend to whose generous and honourable support steadfastly yielded in a course of six years I am indebted for the existence of the little power which I have ever possessed in that long and disgraceful period, to throw myself on the mercy of Mr. Francis, and on the desperate hazard of his integrity. It was impossible to afford a stronger demonstration of the good faith with which I entered into this accommodation, nor of my confidence in him, than thus consenting to deprive myself of the means of breaking the engagement on my part, and of preventing the breach of it on his; and surely this difference in our relative situations ought to have impressed him with a sense of what he owed to the delicacy attending it, and have made him dread even an approach towards the precise line of his obligations by the slightest advantage taken of my inability to repel it; and how much more ought it to have restrained him from the direct transgression of it."†

After the Council had risen, Hastings received a challenge from Francis, which was accepted. On the

* *Secret Select Committee's Proceedings*, 20th July, 1780, vol. ii., pp. 711, 712.

† *Ibid.*, p. 712.

morning of the 17th August the duel took place, and Francis was shot through the body. On the 11th of September he again took his seat at the Council Board and delivered in a minute in answer to the charges brought against him by Hastings. In it he stated :—

“On the point in issue I can only declare, as I do now in the most solemn manner, that I never was party to the engagement stated by Mr. Hastings or had a thought of being bound by it. In one of our conversations in February last, he desired me to read a paper of memorandums, among which, I presume, this article was inserted. I returned it to him the minute I had read it with a declaration that I did not agree to, or hold myself bound by, the contents of it, or to that effect. From that time I have never seen the paper.”*

After denying that he had bound himself to any agreement, Francis stated that “the agreement I meant to enter into with respect to the Mahratta war was to prosecute the operations actually existing on the Malabar coast, which since the campaign has begun, and General Goddard had already taken the field, I thought should be pushed on as vigorously as possible.”* To support this declaration he argued that at the time the Malwa expedition had never been even hinted to him, and there was “a strong presumption that up to that period the Governor-General had not had that measure in contemplation, or that he must then have abandoned all thoughts of it.”*

As to Mr. Barwell having gone home only on the strength of the agreement having been made, he remarked :—

“I believe it, for instance, to be the opinion of many well-informed persons in this settlement, as it is now firmly my own, that Mr. Barwell was determined to go home last season at all events, and that the *Swallow* was kept for several months on-purpose

* *Secret Select Committee's Proceedings*, 11th September, 1780, vol. ii. p. 715

"for him. If so, Mr. Hastings gained something, and could lose nothing, by his agreement with me. But as Mr. Barwell's going home was never demanded by me, nor ever entered into the agreement, I have no concern in Mr. Hastings' motives for consenting to it."*

Barwell no doubt was most anxious to escape from the thralldom of a thankless office, but he had promised Hastings in the most public manner at the Council Board to retract the intention of leaving.† He could not break the promise without the consent of Hastings, and it is extremely improbable that Hastings would have given his consent unless he had made an agreement with Francis. Months previous to the quarrel, Hastings wrote as follows to a friend:—"Mr. Barwell on the strength of this negotiation has half taken his passage in the *Swallow*, which will be despatched express to England as soon as this point is determined." At least one well-informed person did not consider that Barwell, as Francis stated, was determined to go home at all events. Sir Elijah Impey, in a letter dated the 18th August 1780, the day after the duel was fought between Hastings and Francis, wrote—"Mr. Barwell left this country on the strongest assurances that Mr. Francis would coincide with Mr. Hastings, or he would never have gone."

Hastings did not reply to the minute of Francis for some time, as "other cases of a stronger obligation have required and have engrossed the whole of my attention, and I now revert to it with reluctance as to a necessary yet unavailing duty."‡ He re-affirmed with the utmost earnestness that there was an engagement. "What that engagement was I have expressed

* *Secret Select Committee's Proceedings*, 11th September, 1780, vol. ii., p. 717.

† *Ibid.*, 25th January, 1779, vol. ii., p. 666.

‡ *Ibid.*, 13th November, 1780, vol. ii., p. 735.

"in terms in my minute of the 3rd July. Mr. Francis in answer declares, and 'in the most solemn manner, 'that he never was party to the engagement stated by 'me, or had a thought of being bound by it.' What can I say to such a declaration but to declare on my part in as solemn a manner that Mr. Francis was a party to the engagement which I have stated? This I now do most solemnly declare, and may God be the judge between us."* He asserted that it was Sir John Day who proposed to him an accommodation with Francis, and that he accepted the offer solely on the indispensable condition "that Mr. Francis should agree to depart from his opposition to the political measures proposed by me, and allow me, without exception or qualification, to prescribe the mode of conducting the Mahratta war. This point was a long time contested by Mr. Francis, but was at length adjusted finally in this manner, that Mr. Francis should not oppose me, nor yet charge himself with the responsibility of any proposal made by me which had any relation to the war, but support it by his vote as the result of a general measure which he had originally disapproved, and which he now left with the responsibility properly annexed to its original contriver."†

Hastings proceeds to state :—

"This point being thus settled I drew it up in writing on a small piece of paper in the words which I have already quoted, with other propositions, of which some had, and some had not, received our final and mutual agreement. . . . This paper, with some apology, I showed to Mr. Francis, desiring him to read it attentively, and to inform me whether he agreed to the conditions as I had expressed them, or to point out his exceptions. To the first article, which is that of the present question, he replied hastily, and with every appearance of satisfaction, that he entirely agreed

* *Secret Select Committee's Proceedings*, 13th November, 1780, vol. ii., pp. 735, 736.

† *Ibid.*, p. 736.

“to it, adding among other expressions, as I well remember, that his meaning plainly was not to avail himself of Mr. Barwell’s departure from the Council to oppose me in any political point which he could not have carried had Mr. Barwell continued. The other articles received some variations and were all finally regulated at the same meeting. Of these, as they do not relate to the question before me, I shall take no further notice. For the truth of this narrative I appeal to Sir John Day, to whom I daily communicated what passed on this business, and to Mr. Barwell, to whom I in like manner related the daily progress of it. They will both attest that my relation of it at the time was exactly the same as I now repeat it. It is impossible to suggest a motive which I could have had to deceive them at such a time and on such a subject, and as impossible that I myself should be deceived when I took such means to ascertain it. Yet Mr. Francis affirms that ‘he returned the paper to me the moment he had read it with a declaration that he did not agree to it, or hold himself bound by the contents of it.’”*

Hastings met the statement of Francis, that the agreement which he meant to enter into with respect to the Mahrattas was limited to the operations on the Malabar Coast, by quoting an article of a treaty with the Rana of Gohud which clearly proved that a diversion in the province of Malwa formed a part of the measures projected and actually existing before the agreement was concluded. He added—“When I proposed the execution of it other circumstances had recently occurred. General Goddard had solicited us to make such a diversion in his favour, and the Commander-in-Chief had passionately recommended it as the only means of bringing the war to a speedy termination.”† Francis replied: “In an argument of the kind the strictest precision of dates should be observed and the facts stated in the order in which they happened. On this principle I join issue with the Governor-General and affirm in his own terms that *when he proposed the execution of the measure (that*

† *Secret Select Committee’s Proceedings*, 13th November, 1780, vol. ii., p. 736.

† *Ibid.*, p. 737.

"is, on the 12th June last) General Goddard had not solicited us to make a diversion in his favour. The fact, if it exists, is capable of immediate and direct proof."* Hastings supplied the immediate and direct proof by producing a letter from General Goddard, forwarded through the Commander-in-Chief, which contained the following words: "It would certainly be of advantage to the operations of the war on this side to cause a powerful diversion to be made on the other, which could not fail to distress and divide their attention exceedingly."† With regard to the request of Francis that the strictest precision of dates should be observed, Hastings remarked: "In compliance with the rule prescribed by Mr. Francis I have been careful to annex the dates to the preceding extracts, and for greater precision will repeat them with the facts stated in the order in which they happened. General Goddard's letter to Sir Eyre Coote is dated the 28th March, and was recorded in our Consultation of the 29th May. My minute, which contained the first proposition of the expedition, was dated the 12th June."‡ Francis tried to escape from the dilemma in which he was placed by a petty quibble. He wrote: "In denying that General Goddard *had solicited us to make such a diversion in his favour*, I took the proposition literally as it was stated. I was perfectly sure that he had never addressed the Board to that effect, and that a request or opinion from him had never been urged in support of the motion of the 12th of June. Whether his letter to the Commander-in-Chief, recorded on the 29th of May, be equivalent to a solicitation to us to make a diversion in his favour in

* *Secret Select Committee's Proceedings*, 13th November, 1780, vol. ii., p. 739.

† *Ibid.*, p. 743.

‡ *Ibid.* p. 743

"the sense in which the fact was asserted and denied, "I submit to judgment."* Hastings indignantly answered : " Mr. Francis may avail himself as he can of "the distinction between a solicitation made by General "Goddard through the channel of the Commander-in-Chief to the Board and one directly addressed to the "Board. It is sufficient for me that it came regularly "before us. I shall not waste my time nor his in such "a discussion. I repeat that Mr. Francis's engagement was absolute and unqualified ; that in his own "explanation of it the measure in question made a part "of it, since it was formed previously to it and existed "at the time. The assertion 'that I might have abandoned it in February' is no proof that I did. It "was proposed, or, to use Mr. Francis's words, it was "'renewed' in June. My right to his concurrence in "it remained the same notwithstanding any intermediate suspension of it."* Thus ended the long war between Hastings and Francis. No impartial judge can read the respective minutes of the two men without coming to the conclusion that Francis was guilty of a gross breach of faith.

Evil
tidings
from
Madras.

Hastings had excused himself for delaying to answer the minute of Francis on the ground that matters of greater importance had engrossed his attention. The matter of greater importance was the preservation of the State from the formidable league formed for the destruction of it. News had reached the Council from Madras that Hyder had entered the Carnatic, destroyed an army, and driven Sir Hector Munro to the walls of Fort St. George. Sir Edward Hughes sent tidings of his having received undoubted intelligence that seven sail of the line and seven thou-

* *Secret Select Committee's Proceedings*, 13th November, 1780, vol. ii., p. 744.

sand land forces had left France and were intended to co-operate with the enemies of England in India. Thirty thousand Mahratta horse were encamped on the western frontier of Bengal; an invasion of Behar by the Mahrattas was also expected; the Nizam professed hostility; Nujiff Khan, the Rohilla Chief, threatened Oudh, and the forces of Mahadajee Sindia threatened Corah and Allahabad, while General Goddard was opposed by the whole power of Poona. Then the spirit, judgment, and decision of Hastings shone forth. At a meeting of the Council held on the 25th September 1780, he declared it was not a time "for either long deliberation at home or the "formal and tedious process of negotiations abroad." The crisis demanded "the most instant, powerful, and "even hazardous exertion of this Government to avert "the event portended by so many concurrent diffi- "culties."* He proposed, though his army was small and his treasury almost exhausted, that a considerable supply of treasure and a large body of troops should be sent to Madras, and that Sir Eyre Coote should be requested to take the command of the Carnatic Army. His "military experience," he wrote, "and above all the high estimation in which his name "is held by the world, and especially by that part of "it where it was principally acquired, mark him as "the only possible instrument to retrieve our past "disgraces, or to preserve the British interests and pos- "sessions in the Carnatic from utter ruin. Our armies "which have been so long formed to the habits of con- "quest will not easily recover from the impression of "the dreadful reverse which has lately befallen them, "nor be brought to act with their former confidence

* *Secret Select Committee's Proceedings*, 25th September, 1780, vol. ii. p. 718.

"under unsuccessful commanders. The addition of numbers will not relieve their apprehensions, and will not but contribute to oppress the hands which have been already proved too weak to sustain the weight of an inferior charge."* To all the propositions except the motion respecting the Commander-in-Chief, Francis and Wheler objected on the ground that Bengal was their first object, that the danger was at their door, and consequently they could spare no troops and not half the supply of treasure which Hastings proposed to send to Madras. Sir Eyre Coote concurred with the Governor-General, and the casting vote of Hastings preserved India to Great Britain.

Departure
of Francis

His opposition to the relief of our defeated army at Madras was the last important official act of Philip Francis. At the end of November he set sail for England, a disappointed and baffled man. The two objects nearest to his heart, the humiliation of Hastings and the government of India, had eluded his grasp. "I am now," he wrote shortly after he landed in India, "I think, on the road to be Governor of Bengal, which I believe is the first situation in the world attainable by a subject?" But he had miscalculated the mental vigour and pertinacity of his opponent. The struggle between them for five years had been a severe one, and Francis left India defeated only to renew the war in England. With ceaseless vigilance and concentrated industry he worked to procure the recall of his enemy and to gain the coveted office. He enjoyed the triumph of seeing his foe impeached, and he endured the bitter disappointment of seeing him acquitted after a trial of seven years, during which his activity to secure a conviction was unre-

* *Secret Select Committee's Proceedings*, 25th September, 1780, vol. ii, p. 719.

mitting to the end. The inveterate hostility which he displayed towards the accused created a profound prejudice against Francis, and so materially helped to deprive him of the great ambition of his life. I "will never be concerned," he said, in bitterness of soul, "in impeaching anybody. The impeachment of "Mr. Hastings has cured me of that folly. I was tried "and he was acquitted." But there was about his nature a pertinacity which nothing could subdue. Six-and-twenty years did he pursue with unwearied zeal and industry his object. Then, when Pitt died and the Whig party came into office, he believed the prize to be within his grasp. The death of Cornwallis had left the Governor-Generalship of India once more vacant. But the new Ministers, as Lord Brougham said, could no more have obtained the East India Company's consent to the appointment of Francis than they could have transported the Himalaya Mountains to Leadenhall Street.* The fixed ideas and ungovernable temper of the man must have brought ruin to their dominion. In one of the last speeches he ever delivered in the House of Commons, Francis denounced the second Mahratta war in the same vigorous terms in which he had denounced the first Mahratta war in the Council chamber at Bengal. He regarded our successes in India in the same light that he regarded our successes in the Peninsula, as a series of mistakes, and Hastings and Wellington he considered to be both bunglers.† The appointment of Lord Minto to the Governor-Generalship put an end to the dream of his life.‡ He never recovered the dis-

* Brougham's *Statesmen of the Time of George III.*

† Merivale's *Memoirs of Sir Philip Francis*, vol. ii., p. 369.

‡ "On the death of Lord Cornwallis my right or claim to succeed him, though supported by His Royal Highness, was superseded by

appointment, and the bitter remembrance of failure accompanied him into retirement. On the 25th March 1807 he asked a few questions on the affairs of India, including the mutiny of Vellore, and this was the last act of the long and active political career of Philip Francis.

One of the vital defects of the Regulating Act of 1773 was the placing a Court of Justice, the interpreter of its own charter and of the laws which it administered, at a distance of many thousand miles from the Legislature which alone it was bound to obey. Two years after he had set foot in Bengal Francis wrote to a friend in England :

"I wish you would inquire and tell me in what dirty corner of Westminster Hall these cursed Judges were picked up, I have no personal quarrel with any of them, but assuredly they are driving hard to the destruction of this country. It was a pleasant idea to give a Nation a Court of Judicature before you gave them a Constitution. I see numbers of Streams but no Fountain. I see Laws without a Sovereign. Does any man in England know, or think it worth his while to inquire, who is *King of Bengal*? I believe not. Yet, though a matter of Indifference among you great Politicians at a distance, it is really a Question of some little account to us who pretend to be a Government, and are now and then obliged to act as if we were so."

Hastings, like Francis, saw the importance of the question of sovereignty being definitely settled, and was anxious that the hollow pretext of governing in the name of the titular Nawab of Bengal should be thrown aside, because it merely caused uncertainty and embarrassment. The Judges refused to recognize any sovereignty in the Nawab. Hastings in 1773 proposed that, unless instructions to the contrary should be received, "we do stand forth in the name of the Company as the usual Government of these Provinces, and assume the exercise of it in every instance, without concealment of participation."

Francis (who was complaining to his friends that he saw laws without a sovereign) and his allies in Council rejected the proposal. Four years later an actual collision took place between the Government and the Supreme Court owing to the supreme jurisdiction—that is, the sovereignty of the country—having been left uncertain, and powers having been bestowed without circumscribing the jurisdiction. In the case known as the Cossijurah Case the question was whether the Supreme Court had the right to exercise jurisdiction over everyone in Bengal, Behar, and Orissa “to this extent that he was bound if sued “in the Supreme Court to appear to plead to jurisdiction.” During Impey’s absence from Calcutta Hyde issued a writ against the Rajah of Cossijurah, a rich Zemindar. He applied to the Board for instruction. “We referred the matter to our Advocate-General, “who delivered it as his opinion that the Rajah “should be told that he was not subject to the jurisdiction of the Court, and should not pay obedience “to its process. We conveyed this opinion as our “answer to the Rajah in a literal translation of the “Advocate-General’s words.” Hastings adds :*

“On the 30th of November information was made to the Board Cossijurah Case. “that a sheriff’s officer with a large number of armed men had “marched to the Rajah’s house, of which they had taken possession, “seized, sequestered and sealed up all the effects. An order was “instantly sent to the officer commanding at Midnapore to apprehend “all persons answering to the description which had been given of “this detachment. A party of sepoy was accordingly sent on this “service, and made the whole posse prisoners, consisting of two “Court serjeants, two jemadars, fifty-two peons, seventeen men “habited and armed as sepoy, and thirteen sailors, also armed with “muskets and bayonets as the latter; the whole number was eighty- “six. These, by a second order, were brought to Calcutta, and on “their arrival instantly discharged, the Board deeming what they had

* Gleig, vol. ii., p. 244.

"done sufficient for the preservation of the peace of the country,
 "and for checking the assumption of a new military power
 "independent of the established Government. The Rajah com-
 "plained bitterly of the violation of his zenana and of his religion,
 "the former having been forcibly entered (the women and children
 "having, indeed, been conveyed away upon the first alarm), the
 "door of his temple broken open, and his idol taken and packed
 "like a common utensil in a basket, and sealed up with the other
 "lumber. These outrages were verified by an examination which
 "the Board caused to be made on the spot and avowed by the
 "serjeants, who do not appear to have conducted themselves with
 "more violence than men of their rank, unacquainted with the
 "delicacies and the difference of manners and religion required,
 "might be supposed liable to commit in the literal execution of a
 "writ of sequestration in which these attentions cannot be com-
 "prehended. A third order was sent to the commanding officer at
 "Midnapore forbidding him to allow the officer or any other person
 "employed in this affair to be apprehended on virtue of any writ of
 "attachment, and notice was given to all the Zemindars, by an
 "advertisement literally translated from the Act of Parliament,
 "that they were not subject to the jurisdiction of the Court nor
 "compelled to appear before it unless they had rendered themselves
 "such by the cases specified in the Act."

The letter then deals with "the legal grounds"
 which, Hastings considered, justified the proceedings of
 the Council.

1. "The Act of Parliament and Charter give the Court no
 "jurisdiction over any but British and natives who are or have been
 "British subjects.

2. "Zemindars are neither British subjects nor the servants of
 "British subjects.

3. "The Judges have variously in their opinions, and once in a
 "formal decree, declared that Zemindars were not within the
 "description of persons liable to their jurisdiction.

4. "They formed an early rule that no summons should issue
 "against any native of the provinces unless the plaintiff would
 "swear that such native was subject to the jurisdiction of the Court,
 "and add in his affidavit circumstances which rendered him so
 "subject. But the affidavit which was taken on the complaint
 "against the Rajah of Cossijurah did not state him to be subject to
 "the jurisdiction of the Court, and simply expressed that he was the
 "Zemindar of Cossijurah, employed by the East India Company
 "in the collection of the revenues of his own Zemindarry, which is
 "precisely the definition of a Zemindar, every Zemindar in the
 "country (with very few exceptions of incapacity) collecting his
 "own revenues, of which a large portion is, of course, paid to the

“Government, and of course every Zemindar may be said to be employed by the Company in the collection of the revenues of his own Zemindarry. Yet, against this rule of the Court established for its own process, against their own repeated opinions, against the plain sense of the Act of Parliament, the Judge before whom the affidavit was taken (Mr. Hyde) did grant the summons.

5. “The Company have furnished us with an Advocate-General for our instruction and guidance in all cases of legal difficulty, and to his opinion in these instances we have conformed.”

Impey, on the other hand, sincerely believed that the course he took upon this occasion was the only one that could with propriety have been taken without an utter sacrifice of the dignity and an abnegation of the powers of the Supreme Court. He gives an account of the transaction in a letter to Thurlow, now Lord Chancellor, dated January 11th 1780. It is not the letter of a man who was, as Macaulay so often states, merely the tool of Hastings :

“Notwithstanding the whole of this was done by order of the Governor-General and Council, it was but last week that the Governor-General mentioned the matter to me. He came to my house, and told me that he had been long uneasy lest a circumstance which had happened relative to the zemindar of Cossijurah should disturb our private friendship. He then complained that an armed force had marched through the country to execute the process of the Court, which was a thing not to be endured; and that if zemindars were to be subjected to process of the Court, *the revenue must receive great detriment*. I assured him that actions proceeding from sentiments of duty, however contrary to those I might entertain, should never operate on me in prejudice of my private friendship. I represented to him the subjection in which the Court would be to the Council if the Council assumed to themselves to determine on the jurisdiction of the Court, and the dangerous consequences of defendants not subjecting the question of jurisdiction to the judgment of the Court, resisting the compulsory process by force, and being supported in it by that power of government which ought to enforce obedience to its orders; that if the Sheriff was resisted by force, he had no other means but force to effectuate the commands which he received; and it seemed to be extraordinary to complain of that force which resistance had made necessary. He complained that application had not been made to the Council for assistance. I told him that it had been made to the chief of the district; and that if he

"promised me assistance should be given on requisition, I would undertake that no other force should be made use of but what should be borrowed from his Government. He declined making me such promise, but insisted on the defendant not being an object of the jurisdiction, and that the affidavit was not sufficient to ground the process on. I said I could not submit the execution of the process to the determination of the Council on the point of jurisdiction or propriety of the affidavit. I again required to know whether the Council would assist in the execution of our warrants, writs, etc., to which he would give me no answer."

Sir Elijah Impey adds :

"Surely for the peace of the country, and to prevent bloodshed, the Court ought to have received some notice of the intended opposition, that we might have deliberated whether under the force put on us, and on account of the disgrace the Court must incur, and the disturbances likely to ensue, we would not surcease the execution of duties in cases where the Governor-General and Council avowed they would arm the defendants to resist our authority with open force.

"If they were of opinion that the Court was acting against law, and that this was the proper mode of preventing it, surely they should have apprised us of it. But as I am of opinion that there can be no possible means of our knowing whether we have jurisdiction over the defendants but by their submitting the question to be tried ; and as I think the Court, not the Council, and still less the parties accused, competent to decide that question ; having, as is done in all cases, obtained an affidavit from the plaintiff that the defendant is an object of the jurisdiction, and stating the fact by which he becomes so, I shall not hesitate to grant process. I will, to the utmost of my power, by legal means vindicate the authority given by His Majesty to the Court, as long as he shall think proper that the powers of it shall exist ; and, as far as in me lies, will not suffer it to be diminished by any authority less than that from which it was derived. If I am obliged to submit to force, it shall not be until every effort has been exerted to prevent it.

"If we submit, from that moment our jurisdiction is limited to Calcutta, and our authority but feeble there. A Court of Justice, in the ordinary exercise of its civil functions, considered as hostile by the Government of the country in which it resides, deriving its authority from powers scarcely recognized by that Government, and opposed, instead of supported, by its secret influence and open force, is in a situation to which perhaps no other was ever exposed, except the Supreme Court at Fort William in Bengal."

The next difference between the Government of India and the Supreme Court arose as to the jurisdic-

tion of the Court over the English and Native officers of the Company employed in the collection of the revenues, for corrupt or oppressive acts done by them in their official capacity. Section 14 of the Regulating Act clearly shows that the Supreme Court had the jurisdiction. It gave the Supreme Court "full power and authority to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanours, or oppressions committed or to be committed; and to entertain, hear, and determine any suits or actions whatsoever against any of His Majesty's subjects in Bengal, Behar, and Orissa, and any suit, action, or complaint against any person who shall, at the time when such debt, or cause of action or complaint shall have arisen, have been employed by, or shall have been directly or indirectly in the service of, the said United Company or any of His Majesty's subjects." As Impey stated, "oppressions and extortions represented in England to have been exercised by the officers of the collections, whether truly or falsely, were, as I have ever understood, one principal reason for the establishment of the Court."

The third cause of quarrel was as to the right of the Supreme Court to try actions against the judicial officers of the Company for acts done in the execution of what they believed, or said they believed, to be their legal duty. The question arose in the well-known Patna cause. The widow of a Mussulman adventurer and his nephew had a dispute as to the inheritance of his estate. The nephew sent a petition to the Patna Council, and the case was referred to the Mahomedan law officers, who were directed to take an inventory of the goods of the deceased—for it was alleged that the Begum, who was in possession, was secreting and carrying off the money and other valuables—and they were

The Patna
cause.

ordered to transmit to the Council a written report, "according to ascertained facts and legal justice." The kazi and two muftis* went to the Begum's house and made an inventory, and it was alleged that, while doing so, they compelled the Begum to move from room to room until she at last took refuge in a filthy outhouse. The Mahomedan law officers then proceeded to investigate the legal claims of the two parties to the inheritance. The Begum claimed under a will and deed of gift made by the deceased; the nephew claimed the estate as adopted son and heir-at-law. The kazi and two muftis, after examining witnesses, forwarded their *futwa*, in which they declared that the will and deed were both forged, and gave their opinion that the property should be divided into four shares, of which three should go to the nephew, and the fourth to the widow. The Patna Council ordered the Mahomedan law officers to divide the property according to their declaration, and they proceeded to the house of the late nobleman to carry out their orders. The Begum quitted it, and took up her residence in a Mahomedan shrine. As she carried off with her all the slave-girls and the title-deeds of her husband's estate, the Patna Council ordered a sepoy guard to be placed over her place of residence. After the lapse of a few months, the Begum brought an action in the Supreme Court against Bahadur Beg (the nephew), the kazi, and the two muftis for assault and battery, trespass, and false imprisonment, alleging that she had been grossly injured, and laying her damages at 600,000 sicca

* *Kazi* (Ar. *Kadi*, a judge); *Mufti* Ar. *Mufti*, an expounder of the Mahomedan law, the utterer of the *fatwa*, or the decision on any point of Moslem law or morals. "And a Kazi and a Mufti were retained in the Provincial Courts of Appeal and Circuit as the exponents of Mahomedan law and the deliverers of a formal "Futwa" (Yule and Burnell, *Hobson-Jobson*).

rupees, or about £66,000. Bahadur Beg pleaded that he was not within the jurisdiction of the Court, and added a plea of "not guilty." The three Mahomedan law officers pleaded generally "not guilty." Bahadur Beg alleged that he was in no wise, directly or indirectly, in the employment of the Company; but the plea was overruled on the ground that he was the farmer of the revenue of certain lands held under the Company.* He also set forth that he was only a litigant, but this was also overruled. The Mahomedan law officers pleaded "That the Provincial Councils were courts of justice before the Regulating Act; and that, also before the Regulating Act, they were attended by cazis and muftis, to whom suits between Mahomedans used to be referred; that upon such reference the cazis and muftis used to hear the parties, or their vakeels, and the evidence on both sides, and to make a report to the Court, whereupon the Court made a decree, subject to an appeal to the President and Council. This arrangement had been known to and sanctioned by the Governor-General in Council, who had under the Regulating Act the powers for that purpose. The cause in question was a cause between Mahomedans. It had been referred to the defendants as cazi and muftis. All the acts complained of were acts done by them as such cazi and muftis in the discharge of their duty."† The Supreme Court decided that the Patna Council had no right to make

* "It is true that he was not avowedly the farmer of the district, but only security for the ostensible and recognized farmer—a circumstance which could scarcely by any forced construction have brought him within the jurisdiction of the Court had it not been alleged by certain witnesses that he was generally regarded as the *bonâ fide* farmer of the land."—*The Calcutta Review*, vol. vii.

Sir James F. Stephen writes: "Possibly they ought to have regarded him only as security for the actual farmer."

† Sir James F. Stephen, *Nuncomar*, pp. 170, 171.

over to the kazi and the muftis the actual decision of the cause itself. Reference was made by the plaintiff's counsel and by the Court to the maxim, "Delegatus non potest delegare." Warren Hastings considered that the Mahomedan lawyers had exceeded their powers. He wrote: "I cannot but take notice of "great irregularities in the proceedings of the law "officers, whose business was solely to have declared "the laws. The Diwani Court was to judge of the "facts. Their taking on themselves to examine the "witnesses was entirely foreign to their duty: they "should have been examined before the Adalat." On the 13th of December 1777 Bahadur Beg and the kazi were arrested in the public streets of Patna. They were, however, bailed by the Patna Board. Two years elapsed before the trial took place. On the 3rd of February 1779, after the proceedings had lasted several days, the defendants were cast in damages to the amount of 3,00,000 sicca rupees, with 9,000 rupees costs, or about £34,000. They were sent down by the Council to Calcutta to surrender to their bail under guard. The kazi died on the way, and it is to this circumstance Macaulay alludes when he states "There "were instances in which men of the most venerable "dignity, persecuted without a cause, died of rage and "shame in the gripe of the vile alguazils of Impey."* The kazi had not been persecuted without a cause, but he had been found guilty of oppressing a widow. The defendants were confined in the common gaol at Calcutta, as they were not able to pay the heavy damages. They owed their release to an Act passed in 1781 to amend and explain the Regulating Act. They were also empowered to appeal to the Privy Council against

* He was not "in the gripe of the vile alguazils of Impey," but under a military guard.

the judgment, although the time for appealing had passed. On the 28th July 1784 an appeal, substantially by the East India Company, was entered and referred to a committee of the Privy Council, but in April 1789 it was dismissed for want of prosecution.

The Patna cause formed the second article of the Impeachment against Impey, but, after his complete and convincing defence with respect to the Nundcoomar charge, the motion for its hearing was negatived by the House. It was a misfortune that he had not the opportunities of answering all the calumnies which Francis invented, Mill attempted to convert into history, and Macaulay made widely known. Macaulay's familiar passage regarding the evils caused by the Supreme Court is a striking example of his rare art of colouring a whole narrative by an apparently unstudied adjective or two, and thereby creating a series of absolutely false impressions.* The

* Macaulay writes as follows : " A reign of terror began, of terror heightened by mystery, for even what was endured was less horrible than that which was anticipated. No man knew what was next to be expected from this strange tribunal. It came from beyond the black water, as the people of India, with mysterious horror, call the sea. It consisted of judges not one of whom was familiar with the usages of the millions over whom they claimed boundless authority. Its records were kept in unknown characters ; its sentences were pronounced in unknown terms." Macaulay borrowed " the black water " and " mysterious horror " from the story of Cheeto, the Pindaree robber-chief. It is not the people of Bengal, but those who reside in Central or Northern India away from the ocean, who speak of it as the " black water." Sir James Stephen writes : " Did not Hastings and the East India Company come from beyond the sea as well as the judges ? Were not most of the records of the company kept, and most of these orders given in English like these of the Supreme Court ? When and where did the Supreme Court claim boundless authority over the natives ? Its claims were quite distinct, but they cannot be stated in a picturesque way." Practically as Stephen states the most important of its claims was jurisdiction over the collectors of the revenue and officers of the Provincial Courts as being servants of the Company. Macaulay adds : " No Mahratta invasion has ever

Supreme Court was established to suppress the corruption and oppression prevalent among the servants of the Company. The poorer classes certainly wanted protection and relief, and the Judges attempted to administer it. There was no want of courage and of industry, but there was a great deficiency of temper and judgment. Impey was not lacking in tact and judgment, but two of his colleagues were entirely deficient of all common prudence. The quarrel between the Government and the Supreme Court arose from an intemperate and excessive assertion of power by them, offensive and oppressive to the native higher classes, and destructive if submitted to of all the legitimate authority of the executive.

Hastings saw that peace between the Supreme Court and the Government was indispensable to his policy. It was essential alike to material development and political consolidation. He had, in order to prevent friction between the two bodies, proposed that the Sudder Diwani Adalat should be under the control of the Board and the Supreme Court, but the Ministry had shelved the proposal. He now knew the scheme was practically out of the question. Francis and Wheler would never have worked in union with the Judges. Impey, while he fought for the independence of his Court, saw that the authority of the Executive must be supported; but Hyde and Lemaistre seemed determined, by the stretch of their judicial authority, to undermine the power of the

“spread through the province such dismay as this inroad of English lawyers. All the injustice of former oppressors, Asiatic and European, appeared as a blessing when compared with the justice of the Supreme Court.” This is fustian. The judges of the Supreme Court did not, like the Mahrattas, ravage the country with fire and sword, and did not cut off ears, noses, and hands in the search of spoil.

Government. Hastings knew that everything depended on a vigorous Executive, but he wanted an Executive guided by law and rule; among the civilians he had appointed as Judges there was, however, no one of sufficient legal experience who could ascertain the law and rule. They were junior servants who, as Hastings said, wanted guidance and government. Impey had studied Persian, the language of the Mahomedan Courts, and become a proficient scholar in that classic; he had also studied Bengali, and had made himself acquainted with the habits and customs of the people. Hastings determined to make Impey head of the Sudder Diwani Adalat. On the 29th of September 1780 he recorded the following minute:

"The institution of the new Courts of Diwani Adalat has al-
 "ready given occasion to very troublesome and alarming competi-
 "tion between them and the provincial councils, and too much waste
 "of time at this Board.

Hastings' minute, 29th September 1780.

"These, however, manifest the necessity of giving a more than
 "ordinary attention to these Courts in the infancy of their estab-
 "lishment, that they may neither pervert the purposes, nor exceed
 "the limits of their jurisdiction, nor suffer encroachments upon it.

Proposal to make Impey Judge of the Sudder Diwani Adalat.

"To effect these points would require such a laborious and almost
 "unremitted application that, however urgent or important they
 "may appear, I should dread to bring them before the consultation
 "of the Board, unless I could propose some expedient for that end
 "that should not add to the weight of business with which it is
 "already overcharged.

"That which I have to offer will, I hope, prove rather a diminu-
 "tion of it. By the constitution of the Diwani Courts they are all
 "made amenable to a superior Court called the Sudder Diwani
 "Adalat, which has been commonly, but erroneously, understood to
 "be simply a Court of Appeals. Its province is, and necessarily
 "must be, more extensive. It is not only to receive appeals from
 "the decree of the inferior Courts in all causes exceeding a certain
 "amount, but to receive and revise all the proceedings of the inferior
 "Courts, to attend to their conduct, to remedy their defects, and
 "generally to form such new regulations and checks as experience
 "shall prove to be necessary to the purpose of their institution.
 "Hitherto the Board has reserved this office to itself, but hath not
 "yet entered into the execution of it, nor, I will venture to predict,
 "will it ever with effect, though half of its time were devoted to this
 "single department. Yet without the support and controul of some

"powerful authority held over them, it is impossible for the Courts
"to subsist, but they must either sink into contempt, or be perverted
"into the instruments of oppression.

"This authority, I repeat, the Board is incapable of exercising,
"and if delegated to any body of men or to any individual agent
"not possessing in themselves some weight independent of mere
"official power it will prove little more effectual. The only mode
"which I can devise to substitute for it is included in the following
"motions which I now submit, on the reasons premised, to the
"consideration of the Board :

"That the Chief Justice be requested to accept of the charge and
"superintendency of the office of Sudder Diwani Adalat under its
"present regulations, and such other as the Board shall think proper
"to add to them or to substitute in their stead, and that on his
"acceptance of it he be appointed to it and stiled the judge of the
"Sudder Diwani Adalat.

"I shall beg leave to add a few words in support of this proposi-
"tion on different grounds. I am well aware that the choice which
"I have made for so important an office, and one which will minutely
"and nearly overlook every rank of the civil service, will subject
"me to much popular prejudice, as its real tendency will be mis-
"understood by many, misrepresented by more, and perhaps dreaded
"by a few. I shall patiently submit to this consequence, because I
"am conscious of the rectitude of my intentions, and certain that
"the event will justify me, and prove that, in whatever light it may
"be superficially viewed, I shall be found to have studied the true
"interest of the service, and contributed the most effectually to its
"credit.

"The want of legal powers, except such as were implied in very
"doubtful constructions of the Act of Parliament, and the hazards
"to which the superiors of the Diwani Courts are exposed in their
"own persons from the exercise of their functions, has been the
"principal cause of their remissness and equally of the disregard
"which has been in many instances shown to their authority. They
"will be enabled to act with confidence, nor will any man dare to
"contest their right of acting when their proceedings are held under
"the sanction and immediate patronage of the first member of the
"Supreme Court, and with his participation in the instances of such
"as are brought in appeal before him and regulated by his instruc-
"tions. They very much require an instructor, and no one will
"doubt the superior qualifications of the Chief Justice for such
"a duty.

"It will be the means of lessening the distance between the Board
"and the Supreme Court, which has perhaps been, more than the
"undefined powers assumed to each, the cause of the want of that
"accommodating temper which ought to have influenced their
"intercourse with each other.

"The contest in which we have been unfortunately engaged with
"the Court bore at one time so alarming a tendency that I believe

"every member of the Board foreboded the most dangerous consequences to the peace and resources of the Government from them. They are at present composed, but we cannot be certain that the calm will last beyond the actual vacation, since the same grounds and materials of disunion subsist, and the revival of it, at a time like this, added to our other troubles, might, if carried to extremities, prove fatal.

"The proposition which I have submitted to the Board may, nor have I a doubt that it will, prove an instrument of conciliation with the Court; and it will preclude the necessity of assuming a jurisdiction over persons exempted by our construction of the Act of Parliament from it; it will facilitate and give vigour to the course of justice, it will lessen the cares of the Board, and add to their leisure for occupations more urgent and better suited to the genius and principles of Government, nor will it be any accession of power to the Court; where that portion of authority which is proposed to be given is given only to a single man of the Court, and may be revoked whenever the Board shall think proper to resume it."

Mr. Wheler protested against this proposition on the ground of legality, and Francis on the ground that they were yielding to the Court all that they had been fighting for. Sir Eyre Coote agreed to the arrangement as a temporary expedient, and the proposition was carried. On the 24th of October it was resolved "that the Chief Justice should be requested to accept the charge and superintendence of the Sudder Diwani Adalat under its present regulations and such other as the Board shall think fit to add to them, or to substitute in their stead; and that on his acceptance of it he be appointed to it, and styled the Judge of the Sudder Diwani Adalat." On the following day the appointment was offered to Impey and accepted. Two or three weeks afterwards he wrote to his brother that the responsible office had been offered to him and accepted, adding: "Such a trust reposed in me under circumstances which bear the strongest testimony of my having acted, though in a manner adverse to them, yet under a sense of public duty, cannot but be flattering to me. This new office must be attended

Wheler and Francis protest against the proposal.

Impey accepts the office of Judge of the Sudder Diwani Adalat.

“with *much additional labour*; yet in the hope that I “may be able to convert these courts which from “*ignorance and corruption* have hitherto been a *curse* “into a *blessing*, I have resolved to accept it. No “pecuniary satisfaction has been offered or even men- “tioned to me, but I do not imagine it is intended that “my trouble is to go unrecompensed.” On the 22nd of December the Council agreed upon the salary of the Judge of the Sudder Diwani Adalat, which was to be ₹5,000 (*sicca*) per month and ₹600 (*sicca*) for the rent of the office, or about £6,500 a year. Impey, feeling that his acceptance of a salary from the Government might be open to criticism, wrote (10th April 1781) to Lord Thurlow, then Attorney-General, to say that he had received the salary, but shall be ready to “refund it if you or any of His Majesty’s Ministers “shall intimate to me that it is improper I should “retain it.” On the 4th of July 1781 Impey addressed a letter to the Council saying that he should decline appropriating to himself “any part of the salary annexed “to the office of Judge of the Sudder Diwani Adalat “till the pleasure of the Lord Chancellor should be “known.” Accompanying this letter to the Council was a code which Sir Elijah, after eight months’ labour, had prepared, of rules, orders, and regulations for the Sudder Diwani Adalat. Impey was thus the originator of those codes which will bear comparison with any codes in the world, and may justly be regarded as the greatest of the many benefits which British rule has conferred upon India. One of his illustrious successors states: “It is written in vigorous, manly “English, and is well arranged.” It met with the warm approval of the Council. “We cannot,” they said, “testify in too strong terms our sense of the “trouble you have taken, and the ability with which

Impey
prepares
a code.

“you have executed and compiled this laborious work,
“which we have ordered to be made public as soon
“as copies can be printed, both in its present form,
“and in the languages of the country; it being our
“desire to render them of public and permanent
“utility, not doubting that they will be productive
“of the most salutary effects to the inhabitants of
“these provinces by the introduction of a uniform
“administration of justice and by facilitating its
“process.”

With respect to Impey's scruples about accepting the salary as Judge of the Sudder Diwani Adalat, the Council replied :

“We can offer no opinion upon that resolution, which appears to
“have proceeded from a delicacy of which you yourself can be the
“only proper judge. But we must express our regret that you
“should have thought it necessary to prescribe to yourself this
“forbearance, because the labour and importance of the office which
“you have accepted from us would most certainly entitle any
“person who possessed it to an adequate recompense, and must, in
“our estimation, be considered as more especially your due, from
“the very qualifications which are immediately connected with the
“only circumstance that could have given occasion to your doubts
“of receiving it.”

Hastings, having found a most competent Super-<sup>Judicial
reforms.</sup>intendent of the Mofussil Courts, greatly increased their number and their power. The Government declared that the Judges of these Courts were to exercise also the powers vested in the faujdars, high officers of police, and the thanadars, the police officers who had charge of civil stations. “Their abuse of
“power and the oppressions they committed had
“become notorious, and it was this chiefly that led to
“their abolition and the transference of their functions
“to an English officer located in the district.” In respect of these police functions the Judge was denominated also Magistrate. But the duty of the

magistrate was then only the management of the police. He had to apprehend offenders, but they were tried by an officer called the daroga, responsible to the Nawab of Bengal, who had never conceded to the British Government the power of trying and punishing criminals. "Such, then, was the system of criminal jurisdiction when first established in 1781. The judicial part was performed by the daroga, a Mahomedan officer acting under the Mahomedan Government, and the executive part was performed by the magistrate, an English officer acting under the English Government."* On the 28th of April 1781 Hastings wrote: "The Judges are young men, as well chosen as they could be. They are under the instruction and control of the Chief Justice, and therefore less liable than they would be to error if they acted with no other check than that of the Board, which has too many occupations to give the requisite attention to them; and being under his protection, they will not be discouraged from the discharge of their duty by the apprehension or threats of prosecution in the Supreme Court."

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England
a Impey's
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Impey was, however, not allowed to carry on for long the important work which Hastings had given him to do. Francis, on reaching England (1781), seeing that Indian affairs were being brought more and more within the lines of political conflict, excited the public mind by issuing a series of political pamphlets, attacking with great virulence every proceeding which had taken place during the political and legal administration of Hastings. One of the fiercest of the pamphlets was: *Extract of an Original Letter from Calcutta relating to the Administration of Sir Elijah Impey* (London: Printed for Debrett, 1781). The letter is

* J. Westland, C.S., *A Report on the District of Jessore.*

dated 1st of December 1780. It has all the candour, all the plausibility, and all the venom of Francis, and it must have been written by him on his voyage home. The "Prince of Pamphleteers," as Burke called him, knew well the way of putting a case which was *prima facie* reasonable, and it was soon widely believed in London that Impey's acceptance of the Judgeship of the Sudder Diwani Adalat was a corrupt bargain made with Hastings. In January 1782 the Court of Directors negatived a motion for removing Sir Elijah Impey from the office of Judge of their Adalat; but on the 30th of April, a few weeks after the formation of the Rockingham Ministry, in which Burke had a commanding influence, they voted that the Chief Justice should be removed from the said office on the receipt of their letter. Three days later the House of Commons addressed the Crown for the immediate recall of Sir Elijah Impey to answer the charge "of having accepted an office not agreeable to the true interests and meaning of the Act 13, George III." On the 8th of July 1782 Lord Shelburne, as Colonial Secretary of State, transmitted the address laid before His Majesty, and wrote: "I am in consequence thereof to signify His Majesty's command, that you should take the earliest opportunity, consistent with the necessary arrangements of your affairs, to return to this kingdom, for the purpose of answering to the charge specified in this address." Two months before he received this letter Impey had resigned the Judgeship of the Sudder Diwani Adalat. He had learned from report that Francis had accused him before a Committee of the House of Commons of an offence against the Regulating Act by having accepted as a compromise with the Governor-General the office of Judge of the Sudder Diwani Adalat with a large salary. In a letter to the

House of
Commons
address
the Crown
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Impey.

Impey's
letter to
the
Governor-
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and
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August
1782.

Governor-General and Council, Impey wrote : "The
"acceptance of the salary and not the office, I suppose, to
"be charged as the crime. The Governor-General and
"Council are individually subjected to the same restric-
"tions with regard to emoluments in the same clause
"of the Act, and by the same words as the Judges,
"yet two of the Councillors (General Clavering and
"Colonel Monson), within a year after the Act passed,
"and before they proceeded to Bengal, were appointed
"openly by the East India Company, Commanders of
"the Forces in India, with considerable salaries." He
added : "Sir Robert Chambers having accepted from
"your honourable Board the office of Chief Justice of
"Chinsurah, with a salary annexed thereto, will suffi-
"ciently evince that his opinion did not differ from
"mine with regard to the legality of the Act." As to
the salary, he said : "But though I never entertained
"an idea of its being an offence against the Act, I had
"scruples, from other motives, against applying the
"salary to my own use, until the whole circumstances
"of the business should be perfectly known in England
"by those whose esteem for my character and conduct
"I was anxious to preserve, and by whose judgment I
"was resolved to be guided as to the propriety of
"retaining the emoluments of the office. With this
"resolve I apprised you by a letter dated the 4th of
"July 1781."* Impey also energetically protested
against the accusation that he made a compromise
with Hastings : "If by compromise with the Governor-
"General be meant any agreement, expressed or implied,
"of any kind whatsoever, that I should at all relax in
"any matter which had been, or was likely to be con-
"tested between the Governor-General and Council

* "Bengal Consultations in India House." E. B. Impey, *Memoirs of Sir Elijah Impey*, p. 265.

“and the Supreme Court—which is the only sense I
 “can put upon the word—I do most positively and
 “solemnly deny the charge, and beg leave to refer to
 “the recollection of the Governor-General, whether I
 “did not, in the course of conversations, when he talked
 “of the expedience of the office being placed in my
 “hands, explain to him that it was not to be expected
 “that my holding the office should, in the least, vary
 “my conduct with regard to the differences of opinion
 “entertained by the Governor-General and Council
 “and the Court; and whether he did not declare that
 “no such thing was expected, and expressed some dis-
 “satisfaction, that I had thought it necessary to use a
 “caution of that nature.” Hastings recorded a minute
 in which he said he did not remember in detail what
 had been said, but that he thought Impey’s account
 probable; and he added: “I will not deny that I was
 “pleased with an opportunity of being the instrument
 “of placing in a conspicuous and creditable position of
 “this service, and, I may add, profitable, a man for
 “whom I entertained a sincere friendship, founded on
 “a knowledge of his personal virtues and an acquaint-
 “ance of more than thirty years.”

On the 16th of November 1782 Sir Elijah Impey
 formally surrendered the charge of the Sudder Diwani
 Adalat. On the 1st of November 1782 he wrote to
 Dunning: “This is real truth. I have undergone great
 “fatigue, compiled a laborious code, restored confidence
 “to the suitors, and justice and regularity to the Courts
 “of Justice, and settled the internal quest of a great
 “empire, without any reward, and for my recompense
 “shall have lost my office, reputation, and peace of mind
 “for ever.” As Sir James F. Stephen says, Impey could
 not have written this passage “if, when he wrote, he
 “knew that he had in his pocket nearly £13,000 pro-

Impey
 surrenders
 the charge
 of the
 Sudder
 Diwani
 Adalat.

“duced by his salary.” Impey’s son, a perfectly honest witness, declares that his father never received the salary, or any part of it. In the Impeachment there is no mention of any salary, and if Impey had taken a salary and not refunded it, the matter would have been included in the charge, for Francis had accused Impey of making a compromise with Hastings for a large salary. Francis insinuated what Macaulay stated in plain speech—that Impey had taken a bribe. Macaulay, after stating that Hastings “was seldom at a loss for an expedient; and he knew Impey well,” adds: “The expedient in this case was a very simple one—neither more nor less than a bribe. Impey was, “by act of parliament, a judge, independent of the ‘government of Bengal, and entitled to a salary of “eight thousand a year. Hastings proposed to make “him also a judge in the Company’s service, removable “at the pleasure of the Government of Bengal; and to “give him, in that capacity, about eight thousand a “year more. It was understood that, in consideration “of this new salary, Impey would desist from urging “the high pretensions of his court. If he did urge “these pretensions, the government could, at a “moment’s notice, eject him from the new place which “had been created for him. The bargain was struck; “Bengal was saved; an appeal to force was averted; “and the Chief Justice was rich, quiet, and infamous.” Then comes a passage not less distinguished by bad taste, bad feeling, and malignant accusation than any which Junius wrote: “Of Impey’s conduct it is unnecessary to speak. It was of a piece with almost “every part of his conduct that comes under the notice “of history. No other such Judge has dishonoured “the English ermine since Jefferies drank himself to “death in the Tower.” Happily, an English Judge

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who, like Macaulay, held the office of Legal Member of Council in India, has rigorously examined the same documentary evidence which Macaulay possessed and did not examine, and has demolished the verdict of evil fame. It would have been better for Impey, but not for the province of Bengal, if he, being Chief Justice appointed by the Crown, had not accepted a judgeship dependent on the will of the Executive Government. But there was no corrupt bargain. Impey did not desist from asserting the high pretensions of his Court, and Hastings maintained the full power of the Executive Government. It would be superfluous in the light of modern experience to waste space in defending Hastings' wise policy of placing the district Courts of the Company under the superintendence of the Chief Justice. His project was at the time defeated by politicians and vindictive enemies; but after nearly eighty years had rolled on, Parliament passed an Act by which the Supreme Court was amalgamated with the Sudder Diwani Adalat, and the superintendence of the Mofussil Courts and an appellate jurisdiction over them were vested in the amalgamated Court called the High Court. The Judges of the High Court can only be recalled by the Crown. Hastings was bound to make the office and salary of Judge of the Sudder Diwani Adalat revocable at the will of the Governor-General and Council, because the Sudder Diwani was not only a Court of Appeal, but a Board of Superintendency, and to the head of that Board the Supreme Government could not give a portion of authority derived from the Company without maintaining the right of revocation. If it abandoned that right, it created a power in the province of Bengal independent of the established Government of the Company.

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It is now necessary to turn again from measures of executive and legal reform to foreign affairs. At a Consultation held on the 26th of September 1780 Sir Eyre Coote presented a plan for the defence of Bengal and Oudh which he had sketched at the desire of the Board. As an invasion of Behar was expected, Sir Eyre Coote proposed to station a large body of infantry in that province, together with two regiments of horse and one thousand or as many of Cheyt Sing's cavalry as they could procure. This was the origin of the demand for cavalry from Cheyt Sing. It was suggested by Eyre Coote and not by Hastings, who is accused by Macaulay of making the demand in order to fasten a quarrel on Cheyt Sing, whom he had determined to plunder.* On the 2nd November the attention of the Board was again drawn to the want of cavalry, and Hastings was requested to write to Cheyt Sing for such as he could spare. In December the Resident of Benares wrote to Hastings that he had repeatedly pressed the Raja on the subject of the cavalry, but could obtain no answer. The next month he wrote that the Raja said he had but thirteen hundred in his service, and that all except two hundred and fifty were absolutely necessary for collecting the revenue. On the 21st May 1781 Hastings proposed to the Board that he should visit Oudh in order to have an interview with the Nawab, whose province had fallen into a state of great disorder and confusion. He also stated that he hoped to take advantage of his visit to Oudh to conclude negotiations with the Raja of Benares. At this time

* Macaulay writes: "Hastings was determined to plunder Cheyt Sing, and for that end to fasten a quarrel on him. Accordingly the Raja was now required to keep a body of cavalry for the service of Government."

the Council consisted only of two members—Wheler and Hastings—and as the latter had the casting-vote the request was purely formal. Hastings proposed that his colleague should during his absence consider himself “as possessed of the full powers of the Governor-General and Council of this Government, “as in effect he is by the constitution, and he may be “assured that if sanction and concurrence shall be or “be deemed necessary for the confirmation of this “measure, he shall receive them.”* He also formally procured from the Council credentials which, besides granting to him power to make treaties with any of the Chiefs or Powers of Hindustan, also invested him “with full power and authority to form such arrangements with the Raja of Benares for the better “government of his zemindary, and to perform such “acts for the improvement of the interest which the “Hon’ble Company possesses in it, as he shall think “fit and consonant to the mutual relation and actual “engagement subsisting between the Company and “the Raja.”* Burke afterwards regarded this division of power as criminal. It was argued that the word arrangements plainly implied that the Governor was to arrange such acts as he should think consonant to the mutual engagement subsisting between the Company and the Raja in an amicable way, and not in a hostile manner. Lord Thurlow in discussing the charge quoted the precedents of Vansittart, Clive, and Cornwallis to show that Hastings had a right to delegate and assume the powers of Government on great and emergent occasions.

Before starting for Benares, Hastings informed Wheler, his colleague, and others that he intended to

* *Secret Select Committee's Proceedings*, 3rd July, 1781, vol. iii., p. 775.

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fine Cheyt Sing fifty lakhs of rupees. He was assured that he had amassed a very large sum of money, and he regarded his reluctance to aid the sovereign power as an additional proof of his disaffection and a grave offence; and he determined, as he said, to make "him pay largely for his pardon, to exact a severe vengeance for his delinquency, and to draw from his guilt the means of relief to the Company's distress.* On reaching Benares, Hastings transmitted to the Raja a statement of his offences. He informed him that the danger to which the detachment of Colonel Camac was exposed was due to his not paying the war subsidy of 1780, which he by letter had guaranteed to do.

"Relying on this agreement and promise, I gave orders to Mr. Fowke, who was then Resident at this place, to receive the money and remit it to Colonel Camac for the pay of the army which had been ordered to march towards the province of Malwa, and I made no other provision for it: such was my confidence in your faith. But you deceived me; and after having made the first payment of a few Rupees, either consulting the temper of the times, or conforming to a premeditated design, you by shifts and pretexts withheld the remainder, until the army for whose use it was intended was reduced to the last state of distress. Many hundreds deserted, and had an enemy at that time appeared against them their total destruction had been inevitable. In all this time daily applications were made to you by the Resident, and I wrote repeated letters to you, but you paid no regard to either."

* "I considered Cheit Sing as culpable in a very high degree towards our state, and his punishment, of which I had given him frequent warnings if he did not amend his conduct, as an example which justice and policy required equally for the reparation of the wrongs which its dignity had sustained, and for the future preservation of its authority. I was resolved to draw from his guilt the means of relief to the Company's distresses, and to exact a penalty which I was convinced he was able to bear, from a fund which I was also convinced he had destined for purposes of the most dangerous tendency to the Company's dominion."—*A Narrative of the Insurrection which happened in the Zemedyary of Banaris*, p. 135; see also p. 141.

He added—"Besides this, I required, in the name of the Governor-General and Council by letter, and ordered Mr. Fowke to repeat the requisition in person, that you should furnish a body of horse to assist and act with the armies of the Company; and when Mr. Markham succeeded Mr. Fowke I gave him orders to repeat the demand, which he did accordingly with frequent and almost daily importunity, limiting the number to 1,500 and afterwards to 1,000. To this demand you returned evasive answers, nor to this hour have you contributed a single horseman."*

Hastings closes the letter in the following emphatic manner :—

"I pass over the instances of your conduct in which through the means of your secret agents you have endeavoured to excite disorder in the Government on which you depend, and your neglect of the duty which you owe to it, and to the subjects of this zemindary, by suffering the daily perpetration of robberies and murders, even in the streets of the city of Benares itself, to the great and public scandal of the English name, and in violation of one of the conditions on which you received the confirmation of this zemindary. But as the two foregoing instances amount to a direct charge of disaffection and infidelity to the Government on which you depend, and happened at a time in which it was your duty most especially to have exerted yourself in the support of its interests, I have therefore judged it proper to state them to you thus fully in writing, and to require your answer to them, and this I expect immediately."†

To the charges brought against him by Hastings, the Raja replied, "that he obeyed the orders with the utmost readiness. * * * * I sent first one lakh of rupees with an answer to your letter. Afterwards, having paid to Mr. Fowke the sum of one lakh and seventy thousand rupees, I sent a letter requesting a further allowance of time to make some preparations. To this I received no reply. It being no time to delay, notwithstanding this I was not a moment inattentive to this concern, and as soon as my Buxey arrived I paid immediately the remaining

* *Secret Select Committee's Proceedings*, 4th September, 1781, vol. iii., p. 782.

† *Ibid.*, p. 783.

“part of the sum. The remitting of this to the army
 “did not depend upon me; if any delay happened on
 “this head I could not help it. If besides the pay-
 “ment of the money the remittance of it also to the
 “army had rested with me, a delay of this kind
 “should not have happened.”* The answer was false
 in all its parts. He did not pay the first lakh until
 the 5th August 1780, though the demand was made
 in the end of June, and then he refused to pay any
 further sum until he had got an answer to a letter
 he had written to Hastings requiring further time to
 dispose of his effects. To this representation the Raja
 said he received no reply, though a reply was imme-
 diately sent, strongly expressive of the Board’s dis-
 pleasure at his excuses, which they said they knew to
 be futile. This expression of displeasure did not hasten
 the payment, which was not finally made until the 18th
 of October 1780, although the Raja promised it in the
 month of July. With regard to his not furnishing
 cavalry the Raja replied: “In compliance with your
 “wishes I collected five hundred horses and a substitute
 “for the remainder five hundred burkundasses, of
 “which I sent you information, and I told Mr. Mark-
 “ham that they were ready to go to whatever place
 “they should be sent. No answer, however, came
 “from you in this head, and I remained astonished at
 “the cause of it. Repeatedly I asked Mr. Markham
 “about an answer to my letter about the horse, but
 “he told me that he did not know the reason of no
 “answer having been sent; I remained astonished.”†
 The answer of Cheyt Sing well deserves the description
 given of it by Hastings; it was “not only unsatisfac-

* *Secret Select Committee’s Proceedings*, 4th September, 1781,
 vol. iii., p. 785.

† *Ibid.*, p. 784.

"tory in substance but offensive in style."* It also
 afforded a strong indication of that spirit of independ-
 ency which the Raja had for some years assumed.
 "Under these alarming appearances of the Raja's
 "conduct and disposition," wrote Hastings, "I con-
 "ceived myself indispensably obliged to form some
 "immediate and decisive plan for obviating their
 "consequences, and for the preservation of the Com-
 "pany's rights and interests in this zemindary. To
 "have left him in the full exercise of powers which he
 "had notoriously abused, and which it was to be
 "apprehended he would employ to the most dangerous
 "purposes, was totally inconsistent with the maxims
 "of justice and prudence. To divest him entirely of
 "the zemindary, though justifiable on the grounds
 "stated above, would be attended with an appearance
 "of severity, and might have furnished grounds for
 "construction unfavourable to the credit of the
 "Government and to my own reputation, from the
 "natural influence which every act of rigour exercised
 "in the persons of men who stand in elevated stations
 "is apt to impress on the minds of those who are too
 "remote from the scene of action to judge by any
 "evidence but of the direct facts themselves of their
 "motives or propriety."* After weighing the con-
 flicting considerations, Hastings ordered the Resident ^{Arrest of}
 to put Cheyt Sing under arrest, and he sent two ^{Cheyt}
 companies of the sepoy's that he had brought with ^{Sing.}
 him to Benares to mount guard in the Raja's palace.
 A numerous body of armed men from the Raja's
 fortified palace at Ramnagar suddenly crossed the
 river, attacked and massacred the whole party. The

* *Secret Select Committee's Proceedings*, 4th September, 1781,
 vol. iii., p. 785. "A Narrative of the Insurrection which happened
 in the Zemeedary of Benares," p. 125.

sepoys, having no ammunition, fell without resistance. The Raja escaped and fled to his fortress Luteefgarh. Hastings in his letter dated 27th August 1781 writes :

“On the 19th a large force returned to Ramnagar. Captain Blair with his battalion and Captain Mayaffre with the remainder of Major Popham’s detachment were ordered to assemble for the attack of that place, and Major Popham to join and conduct the operations according to a concerted plan. The two corps having joined, Captain Mayaffre, the senior officer, without waiting for Major Popham, against orders, on the morning of the 20th, marched precipitately into the narrow streets of the town, where, in an instant, he fell with Captain Doxatt and 33 rangers, and almost all the sepoys of Captain Blair’s battalion that had entered with him ; the rest of the detachment returned to Chunar with the loss of two guns, one howitzer, and 103 men of all denominations killed. I was in Benares with the broken remains of Major Popham’s first party, consisting of about 400 men, in a place incapable of defence even with equal numbers. Preparations were making to attack me. I waited till the evening for a battalion ordered from Chunar to reinforce our party ; at 7 repeated intelligence arrived that the Raja’s boats were in motion ; no news had arrived of the battalion from Chunar. It was resolved to meet it and march with it to Chunar. The resolution was instantly carried into execution. We passed the battalion which returned and overtook us, and on the 22nd at daybreak we gained the bank of the river opposite to Chunar, having met no opposition. The detachment crossed on the morning of the 23rd. The Raja’s forces are divided between Ramnagar and Luteefgarh. His family is at Bidjeygur. His fixed establishment exceeds 10,000 men, and all his recruits bear arms. Major Popham is encamped on the plain east of the fort. I expect to be joined by a regiment from Cawnpore which are ordered for my guard at Lucknow. Lieutenant Polhill, with six companies of the Nabob’s guard, are at hand, and Major Moses Crawford’s battalions. My only distress is the want of money and is great.”*

The insurrection at Benares seems to have produced a strong impression on the mind of Hastings, for he wrote to his colleagues : “ My regrets for the past are personal. I shall ever retain the painful remembrance of that scene of blood of which I have been

* *Secret Select Committee’s Proceedings*, 18th October, 1781, vol. iii, p. 796.

“too near a spectator, and which no future return of prosperity can ever efface from my mind ; but in the prospect before me I think that I have every reason to expect the happiest termination of it in the extension of the power and influence of the Company, and that the past example may contribute to the permanency of both by prompting us to guard against the secret growth of the like evil which has produced it.”*

In a letter dated the 4th September, Hastings announces to the Board that Captain Blair with his battalion and two companies of his own grenadiers and two guns (6-pounders) had attacked the enemy collected at Pateeta, seven miles from Chunar. “They were prepared to receive him, and made a very spirited resistance ; after a very long action, the fortune of the day was happily turned in our favor by a bold but well-judged manœuvre. Captain Blair detached his two grenadier companies to attack two guns which were posted on the flank, and galled his troops exceedingly. The attack succeeded, and the two guns were turned on the enemy, who were soon after totally routed. Captain Blair brought off three of their guns and spiked the fourth, the carriage of which was disabled ; he also brought away one of their tumbrils and all his own loaded with their ammunition ; three more of their tumbrils with much loose powder were blown up on the field, Captain Blair having no means of bringing them away. He was obliged to leave about 1,500 of their shot piled in a village. The enemy’s numbers are reputed 8,000 or 9,000 men. Captain Blair judges them from appearance to be only 3,000 or

Engage-
ment at
Pateeta.

* *Secret Select Committee’s Proceedings*, 18th October, 1781, vol. iii., p. 798.

"4,000 ; they were their prime men. Our loss, which
 "I add with regret, exceeds 105 killed and wounded ;
 "theirs must be proportionately more, though un-
 "known. It is remarkable that the enemy's artillery
 "and carriages made at Ramnagar are almost equal
 "to ours ; their cartridges and port-fires compounded
 "with equal skill, and their powder much better."*

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Information reached Major Popham regarding the
 state of the two fortresses of Lutteefpoor and Pateeta,
 which led him to suppose that they might be easily
 captured, and he determined to attack them without
 delay, and for that purpose divided his army into
 two detachments. "The' first detachment," wrote
 Hastings, "marched on the night of 15th by a large
 "circuit through almost impracticable ways. But the
 "spirit of the officers and men surmounted every
 "difficulty. In places where the guns could not be
 "drawn by bullocks the sepoy's lifted them up the
 "rocks, and at length, on the morning of the 26th,
 "they arrived at the heights lying behind and above
 "the fort of Lutteefpoor, at a place called Lora, which
 "commands a pass descending to Lutteefpoor, and
 "reputed inaccessible against opposition but from
 "above. The profound secrecy with which this
 "expedition was undertaken, and to which the
 "security of the enemy in a region so unfrequented
 "not a little contributed, prevented any opposition to
 "our troops in the difficult parts of their route.
 "Their first movement only, but neither their strength
 "nor destination was known till their very near
 "approach. At Lora they met a body of 2,000 of the
 "enemy, which they defeated and dispersed with
 "little loss on our side, but on theirs of 200 men

* *Secret Select Committee's Proceedings*, 18th October, 1781, vol. iii.,
 n. 803 "A Narrative of the Insurrection which happened in the

"killed on the spot. The next morning they took possession of the pass and of the fort of Lutteefpoor, which they found evacuated."*

On the 25th September Hastings returned to Benares, where he found the city restored to a state of order and tranquillity. He issued proclamations offering pardon to all except Cheyt Sing and his brother, "whom their late rebellious conduct and their rancour manifested to our nation in the deliberate murder of many of our soldiers, and even unarmed passengers who had the misfortune to fall into their hands, precluded from every title of mercy."* A grandson of Raja Bulwunt Sing by a daughter was proclaimed Raja with great form and solemnity. Hastings also took steps for the protection of the persons and property of the inhabitants of the sacred city. When the sovereignty of Benares was ceded to the Company the superintendence of the police was formally made over by the English to Cheyt Sing, but the arrangement proved a disastrous failure. "From this period," wrote Hastings, "the appearance of public justice was gradually effaced, till at last without any system of police, any courts of judicature, or any awe of the sovereign power, the inhabitants of Benares were guilty of enormities and crimes which reflected the greatest disgrace on the Government to which they were subjects. The relations and dependants of the Raja, or the merchants whose credit was useful in the payment of his revenue, might violate the rights of their fellow-citizens with impunity, and the sacred character of a Brahmin or the high rank of the offender were

Hastings' return to Benares.

* *Secret Select Committee's Proceedings*, 18th October, 1781, vol. iii., p. 806. "A Narrative of the Insurrection which happened in the

"considerations which stamped a pardon on the most flagitious crimes."*

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^{res.} To remedy this scandalous state of affairs Hastings established distinct departments for the police and for the civil and criminal jurisdiction of the city, and placed them under the regulation and control of a Chief Magistrate, who was subject to the immediate orders of the Governor-General and Council. The person chosen by Hastings to fill the office of Chief Magistrate was a Mahomedan, Ally Ibrahim Khan, "a man who has long been personally known to myself, and, I believe, to many individuals of our Government, and whose character for moderation, disinterestedness, and good sense will bear the tests of the strictest enquiry."† The Board on hearing of this appointment expressed a regret that "the incapacity of the more dignified characters of the Gentoo religion to conduct the management of such a trust prevented you, and must ever do so, from promoting them to high office."‡ Regarding the measures which Hastings had taken for the better administration of the city of Benares, his colleagues expressed their warmest approval in the following terms :

"Your guarded attention to the security and convenience of the pilgrims, and your abolition of those taxes and embarrassments which have grown against them from rapacity of a corrupt Government, are peculiarly to your credit."

They added :

"Even in a political view your arrangements upon the subject are interesting, and may lead to the most important consequences. All Indostan, from the source of the Ganges to Cape Comorin, is interested in the happy regulation of the police of Benares, and the unpolluted tranquillity of its colleges. The leading Mahrattas

* *Secret Select Committee's Proceedings*, 12th November, 1781, vol. iii., p. 815.

† *Ibid.*, p. 816.

‡ *Ibid.*, 2nd December, 1781, vol. iii., p. 820.

"with whom we are at war are strongly attached to this supposed residence of purity of their religion.

"From these considerations we beg leave to suggest to you whether it would not be proper to publish in the different languages of India the regulations you have adopted. A very short time will spread them over all Indostan, which, with the reports of the pilgrims upon their return, cannot but impress the natives with the mild liberality and attention of our Government.

"Even among the different nations of Europe whose learned enquiries have been of late particularly directed to the religious antiquities and early knowledge of the sciences in this country, it will be matter of satisfaction and admiration and of consequent credit to our Government that Benares, in which you were so dangerously exposed, should remain so deeply indebted to your careful regulation and protection."*

The measures so warmly applauded by his colleagues ^{Status of Cheyt Sing.} were afterwards as forcibly denounced by the managers of the Impeachment. The first charge brought against Hastings was regarding his conduct towards Cheyt Sing. He was accused of violating a treaty with an independent Prince, unjustly compelling him to pay five lakhs of rupees annually for three years, intending to impose upon him an enormous fine for imputed delinquency, and causing his person to be arrested. Burke took infinite pains to prove that Cheyt Sing was made independent of the English Government in every respect except that of paying to it annually twenty-three lakhs of rupees, and that the Government had irrevocably bound itself down not to exact in any case a larger sum. It is however clear beyond all question that Cheyt Sing was a dependent on Sujah-Dowla† and afterwards on the British Govern-

* *Secret Select Committee's Proceedings*, 3rd December, 1781, vol. iii., p. 820.

† See translation of the new coulnama or agreement and translation of the pottah given by the Nawab Sujah-ud-Dowla to Cheyt Sing.—*Secret Select Committee's Proceedings*, 4th October, 1773, vol. i., p. 56.

"Whereas by virtue of a treaty with the Nawab Asoph-ul-Dowla concluded on the 20th of Rabb-ul-Awul 1189 Hejeree, or 21st

ment, and consequently responsible to Hastings in his character as Governor-General. As Hastings said in his defence at the bar of the House of Commons: "He was neither more nor less than a zamindar. His sunnud and pottah were made out, not from a copy of stipulations and agreements between him and the Company, but from the common formulæ of such instruments granted to zamindars in the Company's original provinces. The Raja never pretended any right to stipulate or demand; he was content with what the Company was pleased to allow him." The sunnud distinctly states that "the government and sovereignty of the Sircars had been ceded to the Hon'ble East India Company, and that the said East India Company, therefore, in virtue of the rights obtained confirmed unto Cheyt Sing the zamindary." The sunnud also granted to him the right of coining money on the condition "that whatever gold and silver shall be coined in the mint, the said Raja shall coin conformably to his moochulka." The sunnud also stipulated that "all former sunnuds do become null and void." A pottah or document specifying the condition on which lands are held, was also framed. A kabulyat or agreement was also drawn up which stated—"It shall be my duty to do everything that may be needful and usual for the

"May, 1775, the government and sovereignty of the Sircars above mentioned has been ceded to the Hon'ble East India Company from the 4th Jemmady ul-Awul 1189 Hejeree, or 4th July, 1775: the said East India Company therefore, in virtue of the rights thereby obtained, do confirm unto Raja Cheyt Singh the Zemindary, Ameen (confidential agent, trustee) and Fouzdary (office of a magistrate or head of police) of the said Sircars, agreeably to the Zemun (an endorsement of a grant giving an abstract of its contents), together with the Cutwallees of Jaunpore and Benares and the mint of Benares, from the said date."—*Secret Select Committee's Proceedings*, 15th April, 1776, vol. ii., p. 512.

"interest of the country." On the 13th June 1776 the Resident at Benares wrote that the Raja objected to signing any muchulka, or penalty bond, and to the insertion of any muchulka, or penalty bond in the sunnud or pottah. The Board replied : "As we have not insisted on the insertion of the clause respecting the penalty in the agreement of the Raja, the instrument which is to be executed by him cannot now be called a muchulka. We thereby authorize you to erase this word where it has been mentioned in the sunnud and pottah transmitted to you, as well as in the titles of the kabulyat, which you are to obtain from him." On the 17th July 1776 the Resident informed the Board that Cheyt Sing "has declined the acceptance of the sunnud and pottah, for which he assigns these reasons, that any erasure in a sunnud or public deed is totally unprecedented in the usages of this country ; that the clause in the sunnud by which the former sunnuds are declared to be null is likewise contrary to custom and practice, and further that in the above clause the word 'sunnuds' being used in the plural number, the coulnama which he received with the former sunnuds and pottah is thereby likewise rendered void and of no effect. The Raja objects to the execution of the kabulyat on account of the clause it contains by which the former sunnuds are annulled."* The Board ordered "that the Secretary prepare a new sunnud and pottah omitting the word 'muchulka' and the sentence declaring the former sunnuds to be null, and that these be transmitted to Mr. Fowke with directions to receive back the temporary pottah and grant which were first allowed him."*

* *Secret Select Committee's Proceedings*, 29th July, 1776, vol. ii., p. 549.

On the 25th September 1776 the Resident informed the Board that he had invested Cheyt Sing with a khelaut or robe of office, and informed him that the continuance of this indulgence would depend on his own punctuality in completing his payments and adhering faithfully to the other conditions on which he holds his zemindary. "I likewise delivered to him the sunnuds transmitted to me by Mr. Secretary Auriol under date the 4th September 1776, and received back from him the former sunnuds which I herewith enclose."* In the charges brought against Hastings by the House of Commons, it was stated that neither the first set of deeds nor the second set of deeds was entered in the records or transmitted to the Court of Directors. Hastings, in his defence, stated that he had no concern in making out the sunnuds or omitting to record them; that these practical operations belonged to the Secretary of the Board under the superintendence of the majority, of which at this time he was not a part, and that if there was any misconduct the majority were answerable for it. The first deeds were however received and are printed in the Selections from the State Papers. There was no need to record the second deeds, as the alterations were distinctly stated. These alterations do not affect the main question that Cheyt Sing was not a sovereign, but the zemindar of Benares by a sunnud granted to him by the English, and that he made an agreement binding himself to do "everything that might be useful and needful for the interest and security of the country." The interest and security of the country demanded that he should contribute money and troops for its defence. It was also in

* *Secret Select Committee's Proceedings*, 21st October, 1776, vol. ii, p. 557.

accordance with long established custom that a vassal should afford aid to the sovereign State in money and troops. The conduct of Cheyt Sing in hesitating to afford the necessary aid to his suzerain at a time of great danger was contumacious and refractory and deserving of punishment. Fifty lakhs was undoubtedly a large fine, but it by no means exceeded the ability of Cheyt Sing to pay it with ease, as is evident from the treasures he left behind in his fortresses, without taking into consideration the gold and silver he exported beyond the frontier. But when we consider the state of India at that time, when we consider that the English were surrounded by enemies and in hourly expectation of the arrival of a powerful French armament, it is difficult to regard the imposition of even a too heavy fine on a refractory vassal as an act of criminality. In enforcing these demands Hastings was actuated by no personal or malicious motives, but was compelled by the pressing exigences of the hour and the desire to save India to Great Britain. "I had no other view in it," he said, "than that of relieving the necessities of the Company by an act which I considered to be strictly just."

When Hastings went to Benares the Government was in the utmost distress for money. There were several armies in the field, and the demands for treasure were various and immediate. The entire expense of all military operations fell on the treasury of Bengal, and the treasury of Bengal was empty. Heavy loans had been contracted, the credit of Government was low, and Hastings, as was natural under the circumstances, looked to the chief debtor of the Company for relief. The Vizier of Oudh owed the Company a crore and a half of rupees. But the Vizier informed Hastings at Chunar, where he had gone to meet him, that his own

The
Begums
of Oudh.

funds were exhausted, and that it was no longer possible for him to maintain the English troops employed in protecting his territories. Hastings knew the statement to be true. The condition of Oudh had for the past five years occupied his anxious attention. The settlement made at the death of the late Vizier against his strongest protests had proved a disastrous failure. Francis, Clavering and Monson had increased the hire of the English troops and at the same time deprived the Nawab of the means of paying for them. When his father Sujah-Dowlah died he left about two millions of pounds buried in the vaults of the zenana. The widow and the mother of the deceased Prince, historically known as the Begums, claimed the whole of the treasure under the terms of a will which was never produced. The late Vizier, though possessed of a large sum of money, was also very deeply in debt, a considerable portion of the debt being due to the Company and his troops. The treasure was State property, and the debt due to the Company and the sums due to the Sujah-Dowlah's army at his decease ought to have been paid from them. The widow, by Mahomedan law, was entitled only to one-eighth after the debts were paid, and a grandmother had no claim to inheritance when the daughter was living. The Begums, however, exercised the right of possession, and the Nawab did not interfere, either because he was too indolent or did not care to invade the rights of the zenana. He, however, obtained one loan from his mother* of about twenty-six lakhs of rupees, for which he gave her a jaghire of four times the value. In October 1775, when he was hard pressed for money both by the Company and by his army, he commenced through Mr. Bristow, the Resi-

* The Bahoo Begum.

dent, a negotiation for a fresh loan. Mr. Bristow, after informing the Board that neither the zemindars nor ryots would ever pay their rents, wrote as follows :
“ To add to this unfortunate circumstance, the Nawab
“ has not yet been able to procure any money from the
“ Begum. Immediately on his return from Fyzabad he
“ stated his distresses to me, and begged of me to use
“ my endeavours to persuade the Begum to assist him.
“ I wished to have declined complying with His
“ Excellency's request, especially after he had indirectly
“ objected to my having any correspondence with her,
“ but being sensible of necessities, I consented upon the
“ condition of his not expecting of me to use violent
“ means. I accordingly went to Fyzabad and explained
“ particularly in writing to the Begum how impossible
“ it was for the Nawab to conduct his Government
“ without her assistance, and likewise insinuated to her
“ that she could not complain of him, for he had
“ granted her an additional jaghire of four lakhs a year
“ for the sums he had already borrowed of her, and
“ treated her with great respect. I further insinuated
“ to her that the treasures she possessed were the
“ treasures of the State, as she had not succeeded
“ to them by any legal right, and they had been
“ hoarded up to provide against an emergency. That
“ that emergency was arrived, and I recommended it to
“ her to spare His Excellency the sum of fifty lakhs as
“ a donation. If this did not please her, to let the
“ treasure be divided according to the laws of the
“ Koran, or else grant him a loan, and that I could
“ engage for the re-payment of it.

“ After much persuasion, the Begum agreed to
“ pay the Nawab twelve lakhs on condition that the
“ Company secured to her the possession of her jaghires
“ for life, and that the Nawab did not interfere with

“her upon any account. I excused myself because of
 “the insignificancy of the sum, but offered to comply
 “with her terms in case of her granting fifty lakhs.
 “This I had authority for from the Nawab, who, on
 “desiring me to undertake the negotiation, repeatedly
 “and earnestly expressed his desire not to use any
 “violence. And in order to prove it, he said ‘he
 “‘would submit to the Company’s being mediators of
 “‘all differences between him and the Begum. But it
 “‘was hard, when reduced to such distress, that his
 “‘mothershould uselessly keep up immense treasurys.’”*
 An agreement was concluded between the Nawab and
 Begum that in consideration of his receiving thirty
 lakhs more on account of his patrimony he gave the
 Begum a full acquittal as to the rest, and secured her
 jaghires to her without interference for life. Mr. Bristow
 was guarantee to this treaty on the part of the Company.
 The impolicy of the agreement was apparent, but the
 Governor-General and Council sanctioned it because,
 as they informed the Directors, the urgency of the case
 required it.

In December 1775 the Board received a long and
 curious letter from the Begum, in which she severely
 criticized the conduct of her son. By the agreement
 it was settled that she should liquidate eleven lakhs of
 the demand by giving goods, elephants, and camels.
 “I assented,” she wrote, “concluding that as Mr.
 “Bristow was a party in the affairs it would be
 “conducted in a proper manner, but they valued the
 “goods which they took at a fourth part of their
 “intrinsic worth; how then could I make good the
 “sum?”† She appealed to the feelings of Hastings

* *Secret Select Committee's Proceedings*, 8th November, 1775, vol. ii.,
 p. 439.

† *Ibid.*, 13th December, 1775, vol. ii., p. 465.

by informing him that she "went to the Nawab when
 "his hour of death approached and asked him to whose
 "charge he left me. He replied—'Apply to Mr.
 "'Hastings whenever you have occasion for assist-
 "'ance; he will befriend you when I am no more and
 "'will comply with whatever you may desire of him.'"*
 She desired Hastings to cause the Nawab to dismiss
 Murteza Khan, who was at that time the Minister, and
 to restore Mahomed Elich Khan and Mahomed
 Busheree Khan to their old offices, and she added:—
 "By them the revenues will be collected, and whatever
 "sums are due to the English Chiefs I will cause to be
 "paid out of the revenues. This I will strictly
 "perform."† Hastings, who has been painted as a
 cruel tyrant, inflicting wanton injury on two helpless
 women, wrote a short minute on the letter in which he
 stated: "All my present wish is that the orders of the
 "Board may be such as may obviate or remove the
 "discredit which the English name may suffer by the
 "exercise or even the public appearance of oppression on
 "a person of the Begum's rank, character, and sex.
 "Had the Nawab chosen to have made use of the
 "means with which his own power alone supplied him
 "to exact money from the Begum, his mother, this
 "Government would have wanted a pretext to interfere
 "in her behalf. But as the representative of our
 "Government has become an Agent in this business,
 "and has pledged the honour and faith of the Company
 "for the punctual observance of the conditions under
 "which it was concluded, we have a right to interfere,
 "and justice demands it, if it shall appear that those
 "engagements have been violated, and an injury

* *Secret Select Committee's Proceedings*, 13th December, 1775, vol. ii.,
 p. 466.

† *Ibid.*, p. 467.

“offered to the Begum under the cover of the authority
 “by which they were contracted. I am therefore
 “of opinion and recommend that a letter be written by
 “the Board to Mr. Bristow, commanding him to
 “remonstrate to the Nawab against the seizure of the
 “goods as his own original property, which he received
 “from his mother in payment of the eleven lakhs
 “stipulated to be so made, to insist on the Nawab’s
 “receiving them in payment, and that he either admit
 “of the valuation which she has put upon them, or
 “that he allow them to be approved by persons
 “appointed for that purpose by both parties.”* The
 majority, however, were less disposed to favour the
 cause of the Begum. Monson wrote: “She should be
 “informed of the sums of money the late Nawab owed
 “this Government by treaty for services performed,
 “and which were not liquidated at his death; that she
 “received the advantages of the Rohilla conquest, the
 “plunder of those countries being deposited with her.
 “As she succeeded therefore to all the Nawab’s wealth,
 “it is just that she should discharge the demands due
 “for those services by which she is the principal
 “gainer. The Vizier’s estate has not been divided ac-
 “cording to the usual custom of Mahomedan Princes.
 “The present dispute turns upon the value of goods,
 “elephants, and camels. I do not conceive, according
 “to strict justice, these effects to be the Begum’s pro-
 “perty; as I understand, women can claim a right only
 “to what is within the zenana; but if it be a condition
 “made by the Nawab with his mother that he should
 “take these things in part payment of the thirty
 “lakhs, the value of them should be ascertained by
 “arbitration.”†

* *Secret Select Committee’s Proceedings*, 3rd January, 1776, vol. ii.,
 p. 471.

† *Ibid.*, p. 472.

Francis stated that he was "inclined to think with Colonel Monson that women can claim a right only to what is within the zenana. The property being determined, the value, if disputed, may be settled by arbitration or public sale. I cannot conceive that she has the least right to interfere in the Nawab's government. In a country where women are not allowed a free agency in the most trifling domestic affairs it seems extraordinary that this lady should presume to talk of appointing ministers and governing kingdoms."* The Board resolved that the letter of the Begum should be sent to the Resident and a full explanation of the matter demanded from him.

On the 3rd January 1776 Mr. Bristow wrote to the Board stating that, from the evidence he could gather, the complaints regarding the violence of the servants of the Nawab were totally unfounded. As to the complaint regarding the valuation of the property, he wrote: "I understand the late Vizier deposited the surplus of his revenues with the Begum, and having died intestate, or at least a will was never produced, though one is said to be secreted by the Begum, it left a door open to the disputes which have happened, for according to the Koran and the usages of the country, the Nawab could claim an infinitely greater share than he has got. It is beyond a doubt that she has money, for her principal eunuch brought me a message one day, not as a matter of any secrecy or confidence, that the wealth the late Nawab had amassed was intended to supply an emergency. I answered the Nawab could not well want it at a greater one; and pressed her very earnestly to supply his necessary wants." He added—"The Begum had

* *Secret Select Committee's Proceedings*, 3rd January, 1776, vol. ii., p. 472.

“great influence in the late Vizier’s time. On the
 “Nawab Asoph-ul-Dowla’s accession he at once placed
 “the sole management in the hands of Murteza Cawn,
 “which disgusted both her and her adherents, particu-
 “larly her eunuchs who have their views in keeping
 “the wealth in the Begum’s possession. The principal,
 “Behar Ally Cawn, enjoys her entire confidence; and
 “how far she may be better affected to the English
 “than the Nawab, I leave to the consideration of the
 “Hon’ble Board from the following fact: On the con-
 “clusion of the treaty between the Company and the
 “Nawab, the Begum blamed His Excellency very
 “highly, and insisted on his not ceding Benares, offer-
 “ing of herself a sum of money in lieu of it. The
 “proposal was afterwards made to me by the Nawab,
 “but I answered I was not authorized to accept an
 “alternative, and that if he intended to have me
 “represent the matter to the Hon’ble Board, he should
 “give me his instructions in writing and explain his
 “sentiments himself to the Governor-General, which
 “he did not do.”*

In order that the Board should have a knowledge
 of “the Begum’s sentiments at the present juncture
 “and of her temper,” he enclosed her last letter to
 him. She wrote as follows: “You were a party in
 “this affair and took from me the sum of 56 lakhs of
 “rupees: if you will cause the 56 lakhs of rupees to be
 “restored to me, then the coulnama will not be binding,
 “and do not you then take any part in the affair, and
 “then let Asoph-ul-Dowla and Murteza Cawn, in
 “whatever manner they are able, take sums of money
 “from me. They will then see the consequences.”†
 Mr. Bristow, informed the Board that, “while the

* *Secret Select Committee’s Proceedings*, 25th January, 1776, vol. ii.,
 pp. 485, 486.

† *Ibid.*, p. 487.

“Begum complains of the Nawab and the Minister, she “forgets the conduct of her own servants, who refuse “to acknowledge the Nawab’s authority or to obey his “decrees, and beat his executive officers.” Six months after the guarantee Mr. Bristow informed the Begum that the Vizier proposed a plan which would put an end to all future disputes. “It was that she gave up “her jagirs and received the value in money; for, as “His Excellency observed, two rulers are too much for “one country.” In December 1776 Mr. Bristow wrote that the Vizier intended to level the forts of the zemindars and to reduce their power as much as possible, on account of their disobedience and disaffection. Hastings strongly remonstrated with the Nawab on his extravagance, the impolicy of his conduct, and earnestly advised him to dismiss from his presence the worthless favourites with which he was surrounded. To enforce his advice he plainly told him:—“The “English, if you do not follow it, must break off their “connection with you altogether.” But the Nawab was unmoved by the constant remonstrances of the Governor-General, and, when Hastings proceeded to Benares, policy and justice alike demanded that decisive steps should be taken to introduce order into the government of Oudh. But no reform was possible until some measure was adopted which would enable the sovereign to liquidate his existing debts; and in order to aid him to do this Hastings consented to the first article of the treaty proposed to him by the Nawab at Chunar. By this article the defence of Oudh was to be left to one brigade, and the English officers who had been appointed to command the Vizier’s corps were to be withdrawn. The Englishmen who had settled in Oudh in various offices were also to leave the State. The Nawab on his part consented to separate his

Treaty at
Chunar
between
Hastings
and the
Vizier of
Oudh.

public from his private expenses ; to fix the amount of the latter ; to reform his army ; to entrust the public treasury to his minister under the inspection of the British Resident. By the second article it was stipulated : " That as great distress has arisen to the " Nawab's Government from the military power and " dominion assumed by the jaghirdars, he be permitted " to resume such as he may find necessary, with a " reserve that all such for the amount of whose jaghires " the Company are guarantees shall, in case of the " resumption of their lands, be paid the amount of their " net collections through the Resident in readymoney."*

The article stated that the resumption of the jaghires should be general, and Hastings pressed on the Vizier the necessity of resuming those held by his worthless favourites. The Nawab, however, was only anxious to resume those which were held by his mother. This Hastings opposed strenuously, and a vast number of jaghires were resumed. In consenting to the resumption of the Begum's jaghires much criminality has been imputed to Hastings, as their possession had been guaranteed by the English Government. Lord Thurlow argued that the resumption of the jaghires on the payment of a proper equivalent was no breach of engagement. " The subjects of the first country in the " world," he said, " are obliged on all public occasions " to dispose of their property for an equivalent when " the public good requires such a sacrifice ; and in " this case the experience of many years has proved the " necessity of the measure." Hastings justified his action on the ground that the rebellious conduct of the Begums was a sufficient reason for withdrawing our protection. " My Lords," he said, " at the time of my " giving this consent I was, from the intelligence I had

* *Secret Select Committee's Proceedings*, 9th July, 1783, vol. iii., p. 988

“received, fully convinced of the Begum’s disaffection
“to our Government. It was not my opinion only, but
“it was the general rumour of the country, that she
“and her ministers aided and supported Cheyt Sing in
“his rebellion. That such was the general rumour and
“public opinion is evident from the affidavits already
“before Your Lordships, and, notwithstanding the
“ingenuity of the managers who laboured to explain
“away their meanings, they still contain and afford
“the most ample proof of the hostile intentions both of
“the Begum and her ministers towards our Government.
“But had the continuation of this Session enabled me
“to enter into a detailed defence, I could have brought
“the most irresistible evidence to prove, not only the
“general rumour and opinion, but also that the Begum
“did, through her ministers, actually lend her assist-
“ance to our enemies.”

Mill argues that the affidavits were worthless because the evidence was collected after Hastings had given his consent to the resumption of the jaghires. We, however, find that, on the 8th September, eleven days before the Treaty of Chunar was signed, Colonel Hannay wrote as follows: “This town (Fyzabad) has
“more the appearance of belonging to Cheyt Sing than
“the Vizier. The Begums have placed guards to
“prevent any of my people going to the bazaar in it.
“Within these few days Shaik Chaan, with near 1,000
“horse and foot, has marched from hence to Benares
“(they were raised here), and I must confess that for
“my own part I have no doubt but Jower Ally Khan
“and Bahar Ally Khan, through their agents, stirred
“up all the disturbances which extend from hence to
“Zowey Azimgur.”*

* *Secret Select Committee's Proceedings*, 28th July, 1783, vol. iii., p. 1004.

In a subsequent letter written immediately afterwards, Colonel Hannay writes: "I have before told
"you how violently the Begum's people inflame the
"present disturbances, and in addition to this the
"principal Zemindars and Rajas have all certificates
"under the seal of Cheyt Sing that he will supply them
"with whatever money they may require for subsisting
"all the troops they can raise. In a very short time I
"apprehend the greatest part of the Nabob's dominions
"will be in the state we are in here, and it is the
"general belief of every man in this part of the country
"that the conduct I have related is a concerted plan
"for the extirpation of the English. What may be
"the situation of the rest of the Nawab's dominions I
"know not, but it is most certain that from Goonda to
"Maujjid, and from Fyzabad to Benares District, and
"across from the Gogra to the Ganges, the country
"is in the utmost ferment. Should the present disturbances proceed from a plan of policy, it will be
"concealed from you as much as possible, and therefore
"I take all possible means of communicating to you
"what I really know to be facts. I know not whether
"the dâks pass freely from you to Lucknow, but if they
"do not, and no measure is immediately taken to bring
"about order and draw the troops together, we may be
"deprived of all possible means of assisting one another,
"and the army lost by detached regiments; we have
"no communications with Bengal, and the troops on
"this side of Benares are at present too much separated
"to yield one another timely assistance. I hope to
"God a sufficient force is ordered for the reduction
"of Cheyt Sing, *for the people who are daily sent to him,*
"*horse and foot, from Fyzabad* and the seat of rebellion
"I have before named is *very great.*" In his next letter, dated the 13th, he says: "It is impossible in the

“general insurrection which now reigns almost
 “universally for me to get the force together the
 “Nabob demanded, or to force my way to you without
 “a loss. The greatest anarchy prevails—the present
 “insurrection is said and believed to be with an inten-
 “tion to expel the English.”* He subsequently wrote :
 “I have already and repeatedly informed you of the
 “dispositions of those in favour in Fyzabad, which has
 “in fact been one of the great sources of the insur-
 “rection and the place of all others in the Vizier’s
 “dominions which has supplied Cheyt Sing with the
 “greatest number of troops. The old Begum does in
 “the most open and violent manner support Cheyt
 “Sing’s rebellion and the insurrection, and the Nawab’s
 “mother’s accursed eunuchs are not less industrious
 “than those of the Bunack Begum. Capital examples
 “made of Jowar Ally Khan and Bekar Ally Khan
 “would, I am persuaded, have the very best effects.”†

The statements made by Colonel Hannay were corroborated by Captain Williams, who wrote: “Saadit
 “Ally and the Begums are concerned deeply in the
 “late business.” Mill regards it as a most suspicious
 circumstance that these accusations were brought by
 Colonel Hannay and his officers, “who were deeply in-
 “terested in finding, for the disturbance of the country
 “which they ruled, a cause different from their own
 “malversations.” But the accusations made by the
 Colonel were confirmed by the Resident, who wrote :
 “The truth of these positions I found most fully proved
 “upon my return, but observed in particular that the
 “most vigorous efforts were limited to the jaghirdars,
 “among whom the Begum, Fyżuñlah Khan, and Lut-

* *Secret Select Committee's Proceedings*, 28th July, 1783, vol. iii., p. 1005.

† *Ibid.*, p. 1005.

“taffut Ally Khan distinguished themselves.” The jaghirdars were powerful noblemen who by the support of armed retainers were able to defy the power of the State. Among them none possessed greater power than the Bhow Begum, “whose power,” as the Resident wrote, “is rendered the more pernicious and “dangerous, first from its being wholly delegated to her “servants, who have their own views of ambition and “interest to answer, and in the next place from the reluctance with which the ministers, and even the “Nawab himself, interfere with any concerns of the “Begum.” He added—“From these two circumstances, “strengthened by the immense wealth in her possession, “also intrusted to her two chief eunuchs, Bahar and “Jowar Ally Khan, and her unreasonable expectations “of support from the English Government, of all which “she and her servants avail themselves to the utmost, “she is become one of the most serious internal evils “that among others seems to bid fair to give great “disturbance to this country.”* The Bhow Begum was described by the Resident as a woman of uncommonly violent temper. “Death and destruction is “the least menace she denounces upon the most trifling “opposition to her caprice. By her own conduct, and “that of all her agents and dependants during the “Benares troubles, it may with truth and justice be “affirmed, she forfeited every claim she had to the “protection of the English Government, as she “evidently, and, it is confidently said, avowedly “espoused the cause of Raja Cheyt Sing, and united in “the idea and plan of a general extirpation of their “race and power in Hindustan.”† Burke argued that

* *Secret Select Committee's Proceedings*, 12th June, 1783, vol. iii., p. 951.

† *Ibid.*, p. 952.

these charges were brought against the Begum by Middleton, the Resident, to justify spoliation, but it is difficult to believe that every European officer employed in Oudh conspired to slander the Begum, and that a large number of witnesses perjured themselves to screen Hastings.* Hastings himself was thoroughly convinced of the rebellious conduct of the Begums† acting through their agents, and he considered their conduct terminated the guarantee given them by the English. "My Lords," he said in his defence, "I believe there is no state in the world that considers a guarantee made in favour of another state binding any longer than whilst they continue in arms with each other. The first hostile act of the party guaranteed is, and must be, a sufficient reason for withdrawing protection." To Hastings the resumption of the jaghires was not only a measure of sound policy but also just. He likewise considered it both impolitic and unjust to leave the Begums in the possession of a large amount of treasure. He wrote to the Board: "It may be necessary in this place to inform you that in addition to the former resolution of re-

* "The notoriety of the rebellion of the Begum was such that one of the witnesses at Your Lordships' bar—Captain Wade, I think—on being asked by a manager if he was applied to, to make an affidavit, said, that if anyone in India had called upon him for such a purpose he should have thought they were joking."—Lord Thurlow.

† On the 21st February, 1782, Hastings wrote to a friend: "On the revolt of Cheyt Sing she and the old Begum, Shuja Dowla's mother, raised troops, caused levies to be made for Cheyt Sing, excited all the zemindars of Gorrakpur and Bareich to rebellion, cut off many parties of sepoys; and the principal Aumil, and a favourite of the younger Begum, openly opposed and attacked Colonel Gordon, one of our officers stationed in the neighbourhood. Let this be an answer to the men of virtue who may exclaim against our breach of faith and the inhumanity of declaring war against widows, princesses of high rank, and defenceless old women. These old women had very nigh effected our destruction."—Gleig, *Memoir of Warren Hastings*, vol. ii., pp. 455, 456.

"suming the Begum's jaghire, the Nawab had declared
 "his resolution of reclaiming all the treasures of his
 "family which were in their possession, and to which,
 "by the Muhammadan laws, he was entitled. This
 "resolution I have strenuously encouraged and
 "supported, not so much for the reasons assigned
 "by the Nawab as because I think it equally unjust
 "and impolitic that they should be allowed to retain
 "the means of which they have already made so
 "pernicious a use by exciting disturbances in the
 "country and a revolt against the Nawab, their
 "sovereign. I am not too sanguine in my expectation
 "of the result of these proceedings, but have required
 "and received the Nawab's promise that, whatever
 "acquisition shall be obtained from the issue of them,
 "it shall be primarily applied to the discharge of the
 "balance actually due from him to the Company."*

* *Secret Select Committee's Proceedings*, 5th February, 1782, vol. iii., pp. 836, 837.

In 1803 Lord Valentia met at Lucknow Almas Ali Khan, the eunuch, regarding whose suffering Burke was so pathetic. He writes—"But the person I observed with the most curiosity was Almas Ali Khan, the eunuch so celebrated by Mr. Burke's pathetic account of the distress which his wives and children suffered from the barbarity of that 'Captain General in iniquity,' Mr. Hastings. He is a venerable old woman-like being, upwards of eighty, full six feet high, and stout in proportion. After all the cruel plunderings which he is stated as having undergone he is supposed to be worth half a million of money; and no wonder when it is considered that for a considerable time he was Aumul, or renter of nearly half the province of Oudh. The Nawab watches with care for his succession which by the Eastern custom belongs to him. With all his affluence Almas is but a slave, now nearly in his dotage, though formerly an active and intriguing courtier." Lord Valentia also writes: "Almas the eunuch paid me a visit: he is held here in much consideration from the prominent part he has borne in politics; from having once held as Aumul above half the province of Oudh, and from his consequently great riches. When Lord Wellesley was here he was very anxious for the honour of a visit from His Excellency, who at length complied, in order to conciliate a person whose vast property still gave him a great

The frankness of the last sentence reveals the existence of a force which influenced Hastings. The pressing need to recruit an exhausted treasury by the recovery of the Nawab's debt may have led him to be more rigorous towards the Begums than he would otherwise have been. But of their guilt he was thoroughly convinced. And if the evidence of some actors in these events, and of many who must have known about them at first-hand, is to outweigh the presumptions and diatribes of his enemies, he had solid foundation for his belief.

In order to recover the treasure the Nawab and his Ministers had to adopt severe measures towards the two eunuchs who had the chief influence over the Begums. The cruelty practised by the Nawab and his servants has been greatly exaggerated, but it was sufficient to have justified the interference of the Resident. To have countenanced it by transmitting the orders of the Vizier was a grave offence. But for what took place Hastings at Calcutta cannot be held responsible. He ordered the Resident not to permit any negotiation or forbearance, but there is a wide gulf between legitimate severity and cruelty.

At Chunar, surrounded by armed rebels and almost in their hands, Hastings with calm self-possession arranged and negotiated treaties with Sindia and the Raja of Berar. On the 29th October 1781 he wrote to the Council :—"I lose not an instant in transmitting "to you a copy of a letter which I have received from "Colonel Muir, conveying to me the agreeable account

Negotiations with
Sindia
and the
Raja of
Berar.

"influence in Oudh. He was notorious for his rigid strictness "in exacting his dues, and is supposed to have in his possession at "least half a crore."—George Viscount Valentia, *Voyages and Travels*, vol. i., pp. 136 and 141.

“of his having concluded a peace with Mahadajee Scindia, and in congratulating you most heartily on this happy event.”* Soon afterwards he transmitted to them copies of his instructions to Mr. Anderson, our envoy at the court of Scindia. He desired Mr. Anderson to “obtain through the mediation of Scindia, and in concert with his agents, if he shall think proper to depute one for the purpose, a treaty of peace and alliance, offensive and defensive, with the Peishwa, against all common enemies, but especially against Hyder Ali Cawn, or of peace simply on the condition of restoring all that we have acquired during the war except Ahmedabad and the territory conquered for Futtu Sing Gaekwar.” To bring the war with the Mahrattas to a close, Hastings was willing to sacrifice every foot of ground gained from them for ourselves, not excepting Bassein. “Reserve Bassein if you can. But do not insist on the reservation of Bassein to the hindrance of peace.” He was not willing, however, to purchase peace at the price of honour. “You may consent to yield what is ours,” he wrote, “and what we can in honor grant, but we will never suffer our treaties to be infringed, nor our faith to be violated.”† Scindia could not get the Peshwa to agree to an offensive and defensive alliance. The object of the great Mahratta Minister Nana Fadnavis was, by promising in turn each of the combatants his support, to gain from the English Salsette, and from Hyder the territories south of the Nerbudda. The operations against Hyder Ali had, owing to the incapacity of the Madras Government, not been so successful as to inspire the Mahrattas with a belief in our ultimate success.

* *Secret Select Committee's Proceedings*, 12th November, 1781, vol. iii., p. 813.

† *Ibid.*, 10th December, 1781, vol. iii., p. 823.

When the news reached the Council of the perils and misfortunes which beset Madras, Hastings implored Sir Eyre Coote,* who was Commander-in-Chief in India and a member of the Supreme Council, "to stand forth and vindicate in his own person the rights and honor of the British arms."† The gallant General was stricken in years and suffering from bad health, but he obeyed the summons to the scene of his early glory. He arrived at Madras on the 5th of November, accompanied by a small European force. On the 10th he wrote to the Board, announcing to them that the painful intelligence of the fall of Arcot had been confirmed by the arrival of the officers and soldiers who had capitulated. "The accounts they give of the strength, good order, bravery, and

Eyre
Coote
proceeds
to Madras.

* Eyre Coote was, at the special request of George III., invested by the Nawab of Arcot with the Order of the Bath. George III. wrote from Weymouth to the Nawab as follows: "Having thought proper to bestow a high mark of Our approbation on two of Our subjects, whose conduct We hope will have rendered them worthy of your esteem, We cannot add to the dignity of conferring those honours on them more than by desiring you will represent Our person upon this solemn occasion, and that you will perform those functions for Us which We always perform ourselves when the circumstances will admit. Our intention being to confer the Order of the Bath, one of Our most honourable marks of distinction, on Our trusty and well-beloved Sir John Lindsay, Knight, Commander-in-Chief of Our ships and vessels in the East Indies, and of the marine force of Our United Company of Merchants trading to and in those parts, and on Our trusty and well-beloved Eyre Coote, Esq. Major-General of Our forces in the East Indies and Commander-in-Chief of all the said Company's military force there, We have directed the said Sir John Lindsay to deliver to you this letter, with the Ensigns of the Order, and to learn from you the time when it may be most agreeable to you to perform this ceremony, as well as to make known to you the nature and manner of bestowing these honours upon him and the said Eyre Coote, and so repeating Our wish for your felicity, We bid you heartily farewell."—*Secret Select Committee's Proceedings*, 2d October, 1775, vol. ii., p. 437.

† *Secret Select Committee's Proceedings*, 25th September, 1780, vol. ii., p. 719.

"activity of Hyder's army are truly alarming. His
 "approaches at the siege were carried on with
 "all that regularity as if superintended by the most
 "skilful engineers, and his artillery at the same
 "time it is numerous and so well served as repeatedly
 "to have dismounted our guns on the batteries."*
 Sir Eyre Coote was furnished with orders for the
 suspension of Mr. Whitehill, the Governor of Madras,
 which he executed with considerable tact. Mr. Smith,
 the senior member of Council, succeeded to the Govern-
 ment of Fort St. George, and the new administration
 invested Sir Eyre Coote with the sole direction of the
 war. His force, however, was neither sufficient nor in
 so prepared a state as to be equal to the undertaking
 of attacking Hyder in the very formidable forts which
 he occupied. The field artillery requisite for the service
 was not in readiness. The draft cattle, besides being
 deficient in numbers, were too weak to drag the guns.
 Provisions could not be had five miles beyond Madras.†
 It was not till the 1st of January that Eyre Coote was
 able to take the field, and on the 21st he wrote to the
 Government of Madras announcing that "to the utter
 "honor of the officers and men composing this detach-
 "ment, the Fort of Carangoly was taken and in a
 "manner which redounds much to the credit of their
 "bravery."‡ He added—

"After congratulating you on this fortunate event, I must
 "indulge myself with reciting to you the particulars as well,
 "because I know it will prove acceptable to you to read, as that it
 "is a justice I owe, on every account, to the officers and men of the
 "detachment, whose gallant conduct is highly deserving a place

* *Secret Select Committee's Proceedings*, 14th December, 1780, vol. iii., p. 747.

† Letter from Sir Eyre Coote, 20th November, 1780, *Secret Select Committee's Proceedings*, 18th December, 1780, vol. ii., p. 751.

‡ *Ibid.*, 23rd February, 1781, vol. iii., p. 757.

“upon record. The detachment arrived at the barrier gate of the Pettah this morning at half-past 5 o'clock, when they were challenged by two sentries who discharged their pieces and retired. In two or three minutes the gate was forced, and our troops immediately proceeded to the gates of the fort with a 12-pounder dragged by lascars, before them. Captain Davis sent two or three of the village people to the crest of the glacis with an offer of cowl to the garrison if they surrendered. In the meantime he was advancing towards the gateway. When the 12-pounder had got as far as the outer vanier the whole garrison appeared drawn up on the ramparts and traverses of the gates. They then began to fire, and the gun was with much difficulty run against the gate which, on the second shot, gave way so much as to admit the men one by one; a second gate which had been lately hung was in about a quarter of an hour opened. A third gate also now presented itself, when the gun was brought up to, with much labour on removing the first gate out of its way at the first discharge; this also was burst open, when the troops entered and took possession, whilst the *bulk* of the besieged made their escape by ladders on the opposite side. During the whole of this transaction the detachment were exposed to a constant fire of musketry from the ramparts and upper work of the fort.”*

Hyder was at this time engaged in the investment of five different fortresses commanded by English officers, Ambur, Vellore, Wandewash, Permacoil, and Chingleput. The first of these had unfortunately been forced to surrender before Eyre Coote took the field. After relieving Chingleput and capturing Carangoly, the Commander-in-Chief marched to Wandewash, which he reached on the 24th, “and had the satisfaction to find that the enemy had raised the siege two days before.”† From Wandewash he proceeded towards Permacoil, the siege of which the enemy on hearing of his approach had also raised. He had, however, marched only three miles when he received letters informing him that the French fleet, consisting of seven ships of the line and three frigates, had appeared off Madras. “As I had every reason to apprehend they must have brought

Relief of
Wande-
wash and
Permacoil.

* *Secret Select Committee's Proceedings*, 23rd February, 1781, vol. iii., p. 758.

† *Ibid.*, 27th April, 1781, vol. iii., p. 763.

“troops, and that they would land them, and would, “with the forces of Hyder, have laid siege to Madras, “the security of which being the grand national object, “I resolved to move towards its protection.”* On further intelligence that the French fleet had sailed to Pondicherry, Eyre Coote resolved at all risks to move there, and within a few days his army was encamped on the Red Hills of Pondicherry with its front towards Arcot. Up to this time he had not been able to obtain any certain information whether there was any considerable force in Pondicherry, and he resolved to send a party to bring him intelligence. He accordingly despatched a detachment of cavalry, which returned and informed him that there did not appear to be any force in the town. The next day he sent a detachment, who destroyed the boats that supplied the French fleet with provisions and water, and spiked the guns. But not a grain of rice nor any other article of provision for the army could be procured. “In the hope,” writes Eyre Coote, “that by my personal presence something “effectual might be done towards obtaining supplies, I “set out for Pondicherry the 7th, about 8 A.M., on “horseback, and I had but just entered the bound “hedge when I received a note express from camp “informing me that Hyder with his whole army was in “sight; instantly upon the receipt of this intelligence “I sent orders to the detachment in Pondicherry to “join the army, main body, with all expedition and “returned myself to camp.”†

of
1- Eyre Coote, perceiving that Hyder was moving in great force to the southward with the intention, no doubt, of attacking Cuddalore, immediately struck

* *Secret Select Committee's Proceedings*, 27th April, 1781, vol. iii., p. 763.

† *Ibid.*

his camp, and marched to its relief. The army of Hyder quickly followed, and having overtaken the English force, opened a heavy cannonade. "As their
"cannon injured us so little, and as my object was
"to reach Cuddalore before them, I did not allow it
"much to impede my march, and what few shots
"we fired, by the accounts of deserters, killed and
"wounded many more than we lost, which, considering
"that they cannonaded us about three hours, were very
"few indeed. The quantity of ammunition which they
"expended that night must have been very consider-
"able; they threw rockets at every part of the line
"until we entered the bound hedge of this place."* Arrived at Cuddalore, Coote found his situation critical in the extreme, for there was only rice enough for one day's subsistence for the fighting men of the army. "The alarming prospect which this presented me with
"produced feelings which are much easier to be
"imagined than described. I saw in the fall of this
"handful of men the destruction of the English interest
"in India. * * * * What to determine in a situation
"so critical, so difficult, and in its consequences so
"important, I confess, was a question which I dreaded
"the decision of."† He resolved to offer them battle. Leaving his camp and followers under the walls of the fort, he drew up his army in a wide plain. But the enemy refused the challenge, and all attempts to draw them to an action having proved fruitless, on the fourth day Eyre Coote returned to his encampment. His anxiety was relieved by seeing on the afternoon of the same day the French fleet set sail and steer a course to clear the Bay. On the 17th he had the satisfaction of

* *Secret Select Committee's Proceedings*, 27th April, 1781, vol. iii., p. 764.

† *Ibid.*

watching the rice vessels from Madras come to an anchor. He writes :—

“By this time the inhabitants of the town were next to starving, some absolutely had died for want, and two days more would have completed the melancholy scene, as the troops also must then have been without a grain to eat. I had by the aid of Mr. Daniel made a small provision to have enabled me to act in this last extremity, and which was about three days’ rice I had with inconceivable labor got together. And with which at a hazard dictated by a regard for the public, an unwillingness to subject the credit of the British arms to a disgrace which from their situation appeared to be inevitable, and a desire, if possible, to extricate our affairs from the distress in which they are involved, I determined to force my way at all risks into the Tanjore country, as the only place with three days’ provisions I had the least chance of attaining and subsisting the army in. The same motives which dictated this daring undertaking—now our distress for provisions are greatly removed—induce me to continue in my station here, until I can reinforce the army by drafts from the southward, for which purpose I have sent some vessels to Nagore to receive on board as many sepoys from the Tanjore corps as can be embarked and landed here. The situation of the enemy’s army rendering it altogether impracticable to bring them by land, at any rate too dangerous for me in prudence to think of it. My army, originally small, stands greatly in need of an augmentation, having been considerably weakened by the respectable garrison left in Caringuly, and by deaths, desertions, and the other casualties incident to the military service.”*

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For the next four months the English army remained stationary, owing to the want of provisions and the necessary equipment. On the 14th of June a small reinforcement of troops from Bombay reached Eyre Coote, and on the 18th, with four battalions of sepoys and eight pieces of ordnance under his immediate direction, he attacked the fortified temple of Chillumbrum. The assault was vigorous, but the sepoys were beaten back with serious loss. The next morning Eyre Coote intended to renew the attack with his scanty Europeans, but hearing how strongly the enemy were

* *Secret Select Committee’s Proceedings*, 27th April, 1781, vol. iii., p. 765 ; Colonel Wilks, *History of Mysore*, vol. i., p. 476.

fortified he withdrew his force and, after five days' marching, encamped at the village of Porto Novo, situated on the River Vellaar close to the sea. On the 24th Admiral Sir Edward Hughes arrived from Madras, and was visited by the General. It was resolved by them that the united efforts of the fleet and the army should be directed to the speedy capture of Chillumbrum, and orders were issued for landing the battering train. But no sooner had Eyre Coote returned to camp than tidings reached him of the presence of Hyder's whole army within a distance of a few miles. "The grounds they occupied, naturally "strong and commanding, were rendered much more "formidable by most of the spots that would admit of it "to advantage being strengthened with front and "flanking batteries erected with judgment and despatch "by Hyder Ally's corps appropriated for such services. "Large bodies of cavalry, who had from our arrival at "Porto Novo hovered round our camp, rendered it "impracticable for even a single harcarrah to return "with any intelligence to be depended on of either the "strength or position of the enemy's batteries. Our "grand guard and other outposts were absolutely the "boundary and limited extent of our knowledge respecting the enemy."*

The English General had then to choose between a march to seek a battle, and to remain dependent for his supplies on the sea. He called a council of war. It was determined to abandon the preparations for a siege, to embark the battering guns, and with four days' rice on the soldiers' backs to strike for victory. The ships were to keep near the coast to embark the troops in case of disaster. At daybreak, on the 1st of

* *Secret Select Committee's Proceedings*, 7th September, 1781, vol. iii., p. 790.

July the English troops were in motion and soon reached an open plain. Finding it covered with the cavalry of the enemy, they formed in two lines and proceeded in order of battle. They had not advanced above a mile when the enemy's batteries were discovered lying exactly on the road of march. Then Eyre Coote, whose coolness never failed him and whose military judgment seldom was at fault, halted the army for near an hour to survey the situation. "It was necessary," he wrote, "to explore, if possible, the ground on our right, in hopes of its admitting to advance from that point, by which we should avoid the enemy's direct fire from their batteries, and have a chance by gaining the left of their posts to turn or other ways command them. The principal force of their army was drawn up in the rear of their works, extending further on the plain than either eye or horizon could command, with large bodies of cavalry in every direction, and their rockets were thrown in numbers to impede and harass our movements. During this interval of unavoidable inaction, thoroughly to examine their position, we were obliged to suffer a warm cannonade. Their guns were well served and did execution; we could not afford to throw away any shot to answer them, having occasion for every round we had for more decisive service."*

After mature deliberation Sir Eyre Coote determined to move to the right to the eastward of a range of sandhills which followed the direction of the coast at the distance of eleven hundred yards from the sea. After moving in that direction for some little distance an opening in the range was discovered through which

* *Secret Select Committee's Proceedings*, 7th September, 1781, vol. iii., p. 791.

a practicable road had been made by Hyder "for the purpose of drawing his guns to a large redoubt about half a mile from the sea. The work was far advanced, and required but another day to complete it;*" through it we proceeded towards his field; his guns, which were under cover, and his artillery uncovered in line, galled us considerably as we advanced, but a quick and forward movement seemed absolutely necessary."† After the pass had been forced the General again developed his troops in order of battle. "The minute was critical. I had gained the flank of the enemy's batteries, waited with impatience under a heavy fire of cannon till I had ascertained that the heights in my rear were possessed by the second line, then instantly moved on with the first as far as order and an advancing fire of artillery on our side would permit."‡ The enemy's batteries quickly

* "I determined on the movement to the right and proceeded about 9 o'clock, the two lines marching parallel to one another in that direction; consequently it only required their facing to the front to reassume at any time their original order. Two battalions with eight field pieces were ordered to form a third face, the flanks of this corps joining both lines on the left to keep some batteries in check from that quarter, which opened while we were performing the above movement."—*Letter from Eyre Coote, 6th July, 1781, Secret Select Committee's Proceedings, 7th September, 1781, vol. iii., p. 791.*

† *Secret Select Committee's Proceedings, 7th September, 1781, vol. iii., p. 791.*

‡ *Ibid.*, p. 763.

Mill, with his desire to disparage his countrymen which amounted to a disease, writes: "A panic ensued, during which the General seemed irresolute, and some officers counselled a retreat." Munro, who was present, writes: The "General rode along the front (of the first line), encouraging every one to patience, and to reserve their fire till they were ordered to part with it; he only waited for accounts from the second line. An aide-de-camp from General Stuart told him that he had taken possession of the sandhills; he immediately gave orders to advance, and to open all the guns. "The fire was so heavy that nothing could stand before it."—*Life of Munro, p. 43.*

retired to their line. Here the conflict was maintained for many hours with singular obstinacy. "The bravery of our troops at length carried the point, and the first line forced the enemy's infantry, artillery, and their cavalry to give way, obliging them to seek for safety by a retreat."* To the gallantry of our native troops the General paid a handsome tribute. "The spirited behaviour," he wrote, "of our sepoy troops did them the greatest credit, no Europeans could be steadier; they were emulous of being foremost on every service it was necessary to undertake."†

The advantage of halting till the second line had taken up their position on the sandhill was made manifest during the engagement. Eyre Coote writes: "The second line obstinately disputed and with success an attack meditated on my rear by many battalions of infantry with their guns and a very large body of cavalry. The different efforts made to force and charge the rear corps of the second line were all repulsed, the heights disputed carried and kept possession of, by which the advancing corps were left at liberty to push the enemy in front advantageously. The possessing the heights also prevented their proceeding towards the sea to attempt our baggage; it was from thence covered in perfect security and unmolested."‡ Owing to the want of cavalry the English were unable to take complete advantage of the victory, but as Eyre Coote remarked:

"Considering the trying situation this army is in, destitute of most of the common resources for carrying on service; weak draft and hardly any carriage cattle (our guns in the face of the enemy's heaviest fire were through deep sand obliged to be drawn a full

* *Secret Select Committee's Proceedings*, 7th September, 1781, vol. iii., p. 792.

† *Ibid.*

‡ *Ibid.*

"mile by the soldiers); no provisions but from day to day; pay considerably in arrears; the principal part of the Carnatic and its capital in the possession of the enemy; our armies in different parts of India having also unfortunately received checks; an enemy in great force to deal with, whose rapid success has strengthened his cause with the natives to an alarming degree; no proper force of cavalry on our side, and not half carriage sufficient for our wounded and sick. These things considered, I think I may venture to say that fairly to beat Hyder on his chosen fortified ground was as much as could be expected."*

The consequences of the victory proved highly important. Hyder abandoned his design on the southern provinces; Tippoo raised the siege of Wandewash; and both retired with the whole of their army to the neighbourhood of Arcot. The Bengal brigade under the skilful guidance of Colonel Pearse was marching along the coast, and shortly after the battle of Porto Novo it reached Pulicat, an inlet of the sea, distant about thirty miles from Madras. Hyder detached Tippoo to intercept him, but Eyre Coote, with a wretched equipment and a small force daily diminishing from sickness, marched one hundred and fifty miles and formed a junction with the relieving force. The reinforcement added greatly to his numerical strength, but it was not accompanied by the number of draught oxen requisite to drag the guns and convey the provisions. For want of transport, he therefore could not attempt the two main objects of the campaign—the relief of Vellore and the siege of Arcot. Hyder had now marched the whole of his army to oppose his return and taken up his position on the field where exactly a twelvemonth before he had defeated Baillie's detachment. The astrologers assured him it was a lucky spot and a lucky day. On the 26th of August, with rice sufficient for a few days carried on the backs

* *Secret Select Committee's Proceedings*, 7th September, 1781, vol. iii., p. 793.

of the men, Eyre Coote marched once more to fight Hyder on the ground selected by himself. The result of the battle was doubtful, and both parties claimed the victory by firing a salute. The next month, however, Eyre Coote again engaged Hyder at Sholingar and totally defeated him. After relieving Vellore, the English army was compelled, from the bursting of the monsoon and want of food, to enter into cantonments near Madras. Thus closed a campaign signalized by many combats won by a handful of veterans, whose courage responding to their General's genius had baffled all the plans of Hyder.

Months of toil and combat had completely shattered the health of Eyre Coote. He wrote to the Board: "With respect to myself, my state of health is so bad that for these sixteen days past I have been in a manner confined to my bed, and such is the nature of my indisposition, and so much is my constitution impaired by the fatigues and anxieties which I have undergone in one of the severest campaigns I have ever served, now about thirteen months, that I have little hopes given me of recovery but by a retirement from business. It is my intention, therefore, to embrace the first favourable opportunity of returning to Bengal for the re-establishment of my health."* The grave tidings that reached him from Vellore, however, led him to abandon his intention and to incur all risks to relieve it. On the 2nd of January he placed himself at the head of the army; on the 5th he was found senseless in his tent, smitten by a stroke of apoplexy. "For nearly two hours, during which little hope was entertained of his recovery, the despondency painted on every countenance, and

* *Secret Select Committee's Proceedings*, 2nd January, 1782, vol. iii., p. 828.

“particularly on those of the native troops, whose
 “attachment and confidence exceeded the bounds of
 “human veneration, and who could with difficulty
 “be restrained from transgressing the limits of decorum
 “to satisfy their anxiety, presented altogether a scene
 “of mournful interests. Expresses to Madras excited
 “a corresponding degree of apprehension: an earnest
 “entreaty from the Government urged his immediate
 “return, ‘for the preservation of a life so valuable
 “‘to the State,’ and Colonel Lang was ordered to take
 “eventual charge of the army. While the Government
 “waited with impatience for the return of the General,
 “intelligence was brought that he had marched on
 “the next morning for the relief of Vellore, so far
 “recovered as to admit of his being carried in a palan-
 “quin.”*

Nothing of importance occurred till the 9th, when the army of Hyder appeared in great force posted on the other side of the “Pone river.”† On Coote crossing the stream the enemy struck their camp and marched away, but next day they appeared again just as the convoy was passing a swamp which had to be crossed. “The attacking our baggage and convoy for Vellore
 “was apparently their grand object, and the guarding
 “this, not to be repaired if lost, required the utmost
 “circumspection. They made their attack supported
 “by a number of heavy guns cannonading at a great
 “distance; just at this time the first line had crossed a
 “deep morass which impeded both our train, rice-carts,
 “and bullocks, etc., very much. The different brigades
 “were immediately ordered to be posted so as to keep
 “the enemy in check on all sides while our convoy
 “passed the bad ground. The whole got over safe and

* Wilks' *History of Mysore*, vol. i., p. 503.

† Wilks calls it the “Pony.”

"was secured at the head of our line."* That evening the English army halted four miles off Vellore, and the next morning encamped beneath its walls. "The provisions, stores, etc., to be deposited in the garrison will be lodged there this afternoon, and as the object of our march is now happily completed, I shall set off on my return to-morrow morning. The spirit of the troops in this service does them the greatest honour. This is the day the commanding officer of Vellore acquainted both Government and me that it was absolutely necessary to be relieved, that he could not hold out an hour longer."† Having relieved the garrison, Eyre Coote began his return march to Madras. When he reached the morass he again found Hyder in full force prepared to dispute his passage. He tried by a quick movement, as his heavy and numerous train of artillery would permit, to get near enough our rear corps, to cannonade them advantageously before they were clear of the bad ground, and also to annoy our last line while they were posted to cover the rear. His 24- and 18-pounders, commanding a much more considerable distance than our light 6's and 12's, gives him an opportunity of attempting these distant cannonades with an idea of some success, and Hyder always takes care to be certain that there is impeding or impassable ground between his army and ours; thus he is always sure of its being optional with him to draw off his guns in safety before our army can act offensively to advantage. Our troops sustained a heavy cannonade for three hours, happily with little loss. The instant the rear and baggage had crossed the morass, I posted my baggage and stores close to

* *Secret Select Committee's Proceedings*, 25th February, 1782, vol. iii., p. 839.

† *Ibid.*

“an adjoining hill, leaving for their protection a strong
“corps with fourteen 6- and 3-pounders, and pushed on
“the army over high ground by the nearest possible
“route for the enemy’s main body and guns. I moved
“off from the left lines, in column first, and, as the
“ground opened sufficiently for forming, marched on in
“line of battle. This was about four in the afternoon.
“As soon as our army was near enough to do execution,
“we opened an advancing fire of artillery from all parts,
“and had the mortification to see the enemy precipi-
“tately draw off. I term it a mortification, for, if
“Hyder would have stood and risked the chance of
“war for one hour, his army would, in all probability,
“have been destroyed, such is the ardour and power of
“the handful of veterans I have the honour of com-
“manding, but truly distressing our situation for the
“want of proper magazines, means of field subsistence
“and carriage for it.”*

Three days afterwards Hyder again appeared in full force with an apparent intention of offering battle. The invitation was not declined, but after many hours spent in manœuvres intended to force an engagement the English army continued its march. On reaching Fort St. George, Eyre Coote complained bitterly of the negligence of the Madras Government in not furnishing him with supplies and transport. He wrote :
“I can have no dependence on the armies being
“found in such a manner as to enable me to conduct it
“to such operations as would produce the most perma-
“nent advantages and do that justice which my zeal
“for the interests of the Company and honor of the
“British arms prompts me to. I must resign the task,
“and leave it to the execution of some one whose

* *Secret Select Committee's Proceedings*, 25th February, 1782, vol. iii., p. 841.

"health and abilities may be better calculated to surmount those difficulties which I can no longer, in a due regard to the cause of the public and my honor and reputation as a soldier, pretend to contend against."*

In October 1781 the President of Fort Marlborough addressed a letter to Lord Macartney congratulating him on his accession to the Government of Madras and suggesting the capture of the Dutch settlements. He wrote : "The invasion of the Carnatic by Hyder I fear has prevented a total conquest of Dutch India. Their settlements, my Lord, would have been as easily wrested from them as the Portuguese were formerly by this nation. Their forts to the eastward generally consist of a square with four bastions, without any modern works. Their garrisons chiefly of a motley tribe, without discipline, without clothing, and very little pay. Their officers without practice, generally the scum of the people, exceedingly ignorant, and dead to every feeling excepting to that of smoking and sophi drinking, and so great is the economy of their Government that scarce a garrison has a corps of more than five or six officers—many two. I confine this account to the eastern settlement. Two ships of the line with two frigates and 500 land forces would have commanded terms to any garrison, excepting Batavia. Their government is everywhere abhorred by the country people, and I am persuaded the appearance of ships alone, at some settlements, would occasion a revolt. My Lord, a detachment of such a squadron during the height of the monsoon would answer two purposes, not only distressing the enemy, but recruiting your own strength, for, as

* *Secret Select Committee's Proceedings*, 25th February, 1782, vol. iii., p. 842.

“Dutch soldiers consist generally of Germans, they
 “would all enlist under your colours, and I am persuaded
 “if Sir Edward Hughes would send this small squadron
 “to Batavia roads, he would soon man his fleet.”*
 Lord Macartney, contrary to the advice of Sir Eyre
 Coote, adopted the suggestion of his correspondent and
 equipped an expedition from Tanjore and Madras which
 was commanded by Sir Hector Munro. Negapatam, Capture of
Negapa-
tam and
Trinco-
malee.
 the principal settlement of the Dutch on the Coromandal
 Coast, was captured in November, and two months
 after, Trincomalee, the finest harbour in Ceylon, was
 also taken from them.

The day that Admiral Hughes anchored at Madras First
naval
action.
 after the capture of Trincomalee, a French fleet, con-
 sisting of twelve ships of the line and eighteen others
 under the command of Admiral Suffren, reached the
 coast. On the 15th they came in sight of Madras.
 The English fleet had consisted of six ships of the line,
 but the day after its return it had been fortunately
 reinforced by three ships from England. The French
 Admiral hoped to destroy the English squadron in the
 roads of Fort St. George, but finding it more numerous
 than he expected, he “hailed away to the southward.”†
 The English fleet, in spite of the disparity in numbers,
 followed without hesitation. The day was spent in an
 exciting chase after the transports. The next morning
 the English Admiral made the signal to form in line of
 battle. But it was late in the afternoon before “the
 “action became general from our centre to our rear, the
 “commanding ship of the enemy with three others of
 “their second line leading down on our centre, yet
 “never at any time during the action advancing further

* *Secret Select Committee's Proceedings*, 25th February, 1782, vol. iii.,
 p. 843.

† *Ibid.*, 1st April, 1782, vol. iii., p. 851.

"than opposite to the *Superb's* (our centre ship) chess-tree and beam, and we having little or no wind and some heavy rain during that time."*

"Under these circumstances the enemy brought eight of their best ships to the attack of five of ours, as the van of our line, consisting of the *Monmouth*, *Eagle*, *Burford*, and *Worcester*, could not be brought into action without tacking on the enemy; and although the signal for that purpose was at the masthead ready for hoisting, there was neither wind sufficient to enable them to tack, nor for the five ships then engaged with the enemy, hard pressed, and much disabled in their sails and rigging, to follow them, without an almost certainty of separating our van from our rear. At six in the afternoon a squall of wind from the south-east took our ships and paid them round head on to the enemy to the north-eastward, when the engagement was renewed with great spirit and alacrity from our starboard guns, and at twenty-five minutes past six the enemy hauled on their wind to the north-east and ceased firing."†

The anxiety of the Board was greatly relieved by receipt of the Admiral's despatch, "and deeming the advantages gained by our ships in taking the *L'Auriston* and rescuing a number of prizes captured by the enemy, and in silencing their fire after an action of two hours and a half under a great disparity of numbers as equal to a victory, ordered that a general discharge of the artillery in the garrison of Fort William be made to-morrow morning in commemoration of this event."‡ The Council also wrote a letter of the warmest congratulations to Sir Edward Hughes. They stated: "In a word, we regard your action with the

* *Secret Select Committee's Proceedings*, 1st April, 1782, vol. iii., p. 852.

† *Ibid.*

‡ *Ibid.*, p. 853.

“French fleet as the crisis of our fate in the Carnatic, and in the result of it we see that province relieved and preserved, and the permanency of the British power in India firmly established. For such important services to the nation and to the Company we, as their representatives, offer you our warmest acknowledgments and our sincerest congratulations on your success, and the glory you have acquired in obtaining it.”*

The roar of the cannon proclaiming the naval victory had scarcely ceased when evil tidings reached the Board from Madras. Colonel Braithwaite, who, after the capture of Negapatam, was protecting with a small detachment, chiefly consisting of sepoys, the territory of Tanjore, allowed himself to be surrounded by the army of Tippoo. For twenty-eight hours the scanty force successfully sustained a desperate conflict. Then the charge of Lally and his four hundred Europeans threw the sepoys into confusion and the little army was compelled to surrender.† The troops of Tippoo were reinforced by the arrival of two thousand Frenchmen; and Cuddalore, whose whole garrison consisted only of fourteen hundred sepoys and five artillerymen, was forced to capitulate. The loss was serious because it afforded a convenient station, both naval and military, to the French. On the 10th of April the English army once again took the field. Its veteran Chief wrote to the Government at Madras: “My Lord and gentlemen, —I have a weight upon my shoulders that almost bears me down. Worn out in constitution, I feel myself unequal to the constant fatigues and anxieties

* *Secret Select Committee's Proceedings*, 1st April, 1782, vol. iii., p. 854.

† An account of what took place, gathered from sepoys and others who escaped, is given in the *Secret Select Committee's Proceedings* of the 22nd April, 1782, vol. iii., p. 855.

“attending my situation. I shall, however, endeavour
 “as far as lays in my power to stem the torrent that
 “seems almost ready to overwhelm us, not doubting of
 “your exertions to assist my labours.”* On the 24th
 his army reached Wandewash, where, twenty-six years
 before, the old warrior had defeated Lally. But
 Hyder refused to fight him on the old battle-ground,
 and Eyre Coote, marching in the direction of Pondi-
 cherry, found Hyder and his French auxiliaries strongly
 posted in the neighbourhood of Kellinoor. To attack
 the enemy on his chosen and fortified ground would
 have been a rash act, and the English General wisely
 determined to attempt a movement which should draw
 them from their position and compel them to fight on
 more equal terms. He therefore, on the 30th of May,
 marched against Arni, Hyder’s great magazine, feeling
 certain that this would draw him from his strong posi-
 tion. The result verified the correctness of his con-
 ception. Early in the morning on the 2nd of June,
 just as the English army were about to encamp near
 the fort, the roar of cannon upon the rear informed the
 General of the presence of the enemy. His baggage
 was in a hollow with commanding ground all round.
 Soon a heavy fire opened upon him from every quarter
 in front. After extricating the baggage with some
 difficulty, and placing it well protected on the banks of
 a tank, Eyre Coote ordered the army to advance in two
 lines towards that part of the rising ground upon
 which the enemy appeared in greatest force. But
 tidings, that the main body of the enemy was inclining
 to the right to attack his rear, compelled Eyre Coote
 to alter his original disposition. The manœuvre having
 been executed with the greatest celerity and correct-
 ness, the English army again advanced. The enemy no

* *Secret Select Committee’s Proceedings*, 29th April, 1782, vol. iii.,
 p. 863.

sooner observed it in motion towards them than they retreated. After advancing a couple of miles and having taken possession of the heights originally occupied by the enemy, the English General halted the troops in order that the baggage should be brought up under cover of the line. When this had been accomplished after an hour's halt, the English again advanced, and the enemy retreated in confusion. About sunset our troops came upon a part of the rear, superintending the crossing of some of their guns in the bed of a river.

"I ordered," wrote Eyre Coote, "a fire to be opened upon them. Upon observing more attentively, it was perceived that they had halted to cover the crossing of some of their guns or tumbrils then in the bed of the river. Being at this time advanced considerably beyond the ground of encampment we had left in the morning, I sent orders for the baggage to assemble at a place contiguous thereto which had been reconnoitred for it the preceding day, and for the cavalry, as soon as they could be dispensed with, to join me. In the interim I ordered the grenadiers of the 73rd, under the Hon'ble Captain Lindsay, supported by the other European corps and a Bengal regiment of sepoys under Major Blaine, to push across the river and to drive the enemy from the opposite banks, which was performed with great alacrity and spirit by the whole of the corps and with the most exemplary ardour by the grenadiers of the 73rd who led the attack, and who received a scattered fire of musketry from the enemy as they approached. They gave way on all sides and left us in possession of one gun, a long brass 6-pounder, five tumbrils full of ammunition, and two carts of shot. The corps continued the pursuit with great eagerness until they had gone upwards of a mile beyond the river, but could not come up with the enemy. However, they pressed them so close that it is out of doubt could even half our small body of cavalry been employed that day with the line, or had it been possible for them after receipt of my orders to have joined me in time, not only more guns would have been taken, but the whole or greatest part of Lally's corps have fallen into our hands. When the cavalry did join, the enemy had so dispersed and got to so great a distance, that no attempt could be made upon them with the smallest prospect of success."*

* *Secret Select Committee's Proceedings*, 4th July, 1782, vol. iii., p. 872.

Want of cavalry and want of provisions prevented the English Commander from taking the greatest advantage of his victory. He wrote: "It has been my misfortune ever since I took the field, on the event of every success, to have cause to lament my inability to pursue the advantages open from victory for want of a sufficiency of provisions. On the present occasion, had I possessed the means of subsistence, I could not only have driven Hyder up the Ghauts, but most probably have got hold of his grand magazine of Arni which would most assuredly have so far ended the war as to have checked his immediately returning in force to the Carnatic, whilst it would have given to this army that very support which at this moment maintains his."*

Second
naval
action.

The same express which brought the Board news of Eyre Coote's successful action near Arni, also brought a despatch from the Admiral containing a graphic account of a hard-fought action with the French fleet. After the first engagement the English fleet had returned to Madras at the beginning of March. Towards the end of that month the French Admiral left Porto Novo to attack a fleet of English Indiamen which had appeared on the coast. Sir Edward Hughes, on hearing of this movement immediately got under way, and the day after leaving Madras "fell in with His Majesty's ships *Sultan* and *Magnanime* and their convoy of seven of the Company's outward bound ships, and a French prize. The convoy I immediately despatched to Madras roads, and took with me the *Sultan* and *Magnanime*, steering a direct course for Trincomalee, in order to land the military stores and reinforcements of troops for that garrison, determined

* *Secret Select Committee's Proceedings*, 4th July, 1782, vol. iii, p. 873.

"not to seek the enemy's squadron till that service
"was first performed, nor to shun them if they fell in
"my way."*

On the 8th April, the English Admiral discovered the enemy's squadron consisting of eighteen sail, but as his first object was to relieve Trincomalee, he held on his course, and the French followed. On the 11th Sir Edward Hughes made the island of Ceylon about fifteen miles to the southward of Trincomalee, and bore away for that place.

"On the 12th at daybreak, having altered the position of the
"enemy's squadron and given them the wind by bearing away,
"I saw them crowding all the sail they could after us, and their
"coppered-bottom ships coming fast up with our rear, on which I
"immediately determined to engage them. At 9 in the forenoon I
"made the signal for the line of battle ahead on the starboard tack
"at two cables' length distance, the enemy's squadron then bearing
"north by east, distant about 6 miles, and the wind at north by
"east, they continued manœuvring their ships and changing their
"position in their line till 15 minutes past noon, when they bore
"down to engage His Majesty's squadron; one sail of them stretch-
"ing along to engage our ships in the van, and the other seven sails
"steering directly on our centre, the *Superb*, with the *Monmouth* her
"second ahead, and the *Monarca* her second astern; at half past 1
"the engagement began in the van of both squadrons, and at three
"minutes after, I made the signal for a general engagement; the
"French Admiral and his second astern bore down on the *Superb*
"within pistol shot, where he continued giving and receiving a
"severe fire for nine minutes, and then stood on, greatly damaged,
"to attack the *Monmouth*, at that time engaged with another of the
"enemy's ships, and made room for the ships in his rear to draw up
"to the attack of our centre, where the engagement was warmest.
"At 3 the *Monmouth* lost her main and mizzen masts, and drew out of
"the line to leeward of our squadron. At 40 minutes past 3,
"being near the shore, I made the signal for the squadron to wear
"and haul their wind in a line of battle ahead on the larboard tack
"still engaging the enemy. At 40 minutes past 5, being in
"shoal water and fearing the *Monmouth* might drift too near shore,
"I made the signal for the squadron to prepare to anchor and hauled
"down the signal for the line of battle. At 40 minutes past 6 the
"enemy's squadron in great disorder drew off to the eastward, and

* *Secret Select Committee's Proceedings*, 23rd May, 1782, vol. iii.,
p. 864.

"the engagement ceased, at which time I anchored with 'His Majesty's squadron in order to repair our damages, which on board the *Superb* and *Monmouth* were very great indeed, both in their hulls, masts, sails, and rigging, nor had any one ship of the squadron escaped without great injury in her hull and masts, and all were much torn in their sails and rigging."*

For seven days the two fleets lay within shot of each other, too disabled to fight or to sail. Then the English squadron returned to Trincomalee and the French to a Dutch port. After having "refitted the several ships of the squadron, and taken on board such of our recovered men as could be serviceable," the English fleet returned, at the end of June, to Negapatam Roads, to watch the motions of the enemy's squadron."† On the 5th of July the two fleets again came in sight, and another desperate contest took place. It ended in serious loss on both sides, but without the capture of any ships. The French were, however, compelled to abandon all idea of capturing Negapatam.

The Admiral in his letter announcing his engagement with the French fleet congratulated the Board "most sincerely on the peace concluded between the Company and the Mahrattas."‡ After long and intricate negotiations and a succession of disappointments, on the 17th of May the treaty of Salbai was concluded with Sindia. All territories conquered from the Peishwa, subsequent to the treaty of Purandhur, were to be restored; the Nizam and Hyder Ali were also to restore the territories they had taken from the English, and all Europeans, except the English and Portuguese, were to be excluded from the Mahrattta dominions. Broach was given to Sindia for his

* *Secret Select Committee's Proceedings*, 23rd May, 1782, vol. iii., p. 864.

† *Ibid.*, 4th July, 1782, vol. iii., p. 876.

‡ *Ibid.*, 8th August, 1782, vol. iii., p. 876.

humanity to the English after the convention of War-gaum, and he became guarantee for the due fulfilment of the treaty by the contracting parties. Eyre Coote, on receiving intelligence of the treaty of Salbai, wrote and informed Hyder what had taken place. The Mysore Chief replied with considerable sarcasm: "I have received your obliging letter wherein you observe that the news of the treaty of alliance and friendship which has taken place between the Peishwa and the English must have been known to me because my name is included therein, all of which I perfectly comprehend. Without giving me notice, how is it possible that my name can be included?"* He requested that an envoy should be sent to him with a copy of the treaty, and Eyre Coote acceded to his request. The account of the interview between Hyder Ali and the envoy is of considerable interest, and raises our opinion of the frankness and determination of the Mysore Chief. After stating that he had heard that the English General was a great and gallant commander and an excellent man, Hyder plunged at once into business. It was never any wish of his to quarrel with the English, but he had been driven to it by their want of faith. The envoy urged that he was the first to infringe the treaty, and Hyder replied:

Interview
between
Hyder Ali
and the
English
envoy.

"I will tell you who it was that transgressed the treaty. In the first place it was stipulated that we should mutually assist each other, and they agreed to lend me troops. When, therefore, the Mahrattas had entered my country I wrote to them a variety of ways desiring them to send me succours. In reply they at first told me *they would send them, they would send them*, and after some time they said they had written to Europe and expected orders from thence. To this I urged that it would be a year and six months before their orders could be obtained from Europe, and of what use would their succours be then? The Governor's answer

* *Secret Select Committee's Proceedings*, 12th August, 1782, vol. iii., p. 881.

"was that without orders from Europe they could do nothing. And yet at length after a long time had elapsed they pretended that till then they had received no directions. In this manner have they framed excuses to evade this article of the treaty. In the next place I told them not to go against Mahé; they said they would not, and yet they went. I know not who they are that presume to enter and raise disturbances in my boundaries."*

The envoy attempted to justify the attack on Mahé on the ground that the English and French were at war, and that the Madras Government were acting under orders from home. In passing through Hyder's territory they did him no injury. Hyder replied :

"In those seaports of mine that are large, the English, French, Dutch, Danes, and all the European nations have factories. If, then, the English factory should there be attacked by any of the rest, ought I to sit an unconcerned spectator? Surely not; but to proceed.—A third point is, that the people at Tellicherry are always supplying Nayem Ra with guns and ammunition and encouraging him by that means to wage war with me. What treaty can subsist when such unreasonable proceedings take place on your side? What friendship can ever be maintained between you and me? But, besides all this, every year or two a new Governor comes out and does whatever he takes it into his head to do without any regard to treaties or engagements, but only to what happens to strike him as advisable. In this case the Company I acknowledge is one Company, they are not divided, but while these people that come hither continue to pursue such measures, what dependence is there on a treaty? It was on these accounts that I took it into my head, that though it should cost me crores of rupees, I would spend it in destroying and laying waste your country till never a lamp was left to burn there, and having formed this resolution I wrote to my vakeel that I should certainly come into the Carnatic. But though he went and reported this, it was neither believed nor attended to. An European vakeel, however, came from Madras, and presented me, as you do now, with a fine series of arguments, telling me '*that they and I ought to be friends,*' and a great deal more to that effect. In answer to all which I told him immediately, in plain terms, that I positively would visit the Carnatic, and that on his way back to Madras he would see my cavalry and artillery in readiness. With this plain message I sent him back, and I have since kept my word. I have

* *Secret Select Committee's Proceedings*, 26th August, 1782, vol. iii., p. 886.

"come, and for these two years have desolated your whole country
 "and burnt all to ashes. In future, too, you will know what I can
 "do, for what care I if it cost me ten crores of rupees more than I
 "have spent already? you, indeed, will suffer, but to me it is a trifle,
 "or nothing."*

The envoy asked what Hyder expected to gain if he spent another ten crores of rupees on the war. "Do you think the English will ever be crushed by you? Or the Carnatic become yours? Do you expect to see it even in a dream? No! be assured, this is a vain idea." Hyder replied—"What I had to do I have done. Madras only remains, and what great matter is that?"† He desired to know if the envoy had brought a copy of the treaty which he was told had been concluded between the Poona Ministry and the English, and in which his name was included. The envoy remarked that the ship bringing a Persian copy had been captured, that those which had reached them were in English, and that they had not forwarded him a translation as it might prove inaccurate, but that he had furnished him with a verbal detail of the particulars of their treaty. Hyder retaliated with warmth—"I am not a boy that, after spending crores of rupees and undergoing the fatigue of two years' war, I should quit the Carnatic and set your people at liberty, merely on the strength of your information." He knew nothing of the treaty which had been signed, but before four months elapsed the English would know the value of a treaty with the Mahrattas. "Do you know," he asked, "what engagements the Poona Ministry have entered into with me?" I told him "No." "Hear then," said he, "I will tell you: I was to expunge the English name from the Carnatic, and

* *Secret Select Committee's Proceedings*, 26th August, 1782, vol. iii., p. 887.

† *Ibid.*

“they engaged to take charge of Bengal. This was what we agreed upon, and to this day the letters that come from thence are to the same effect.”* As to the material assistance that the Nizam and Mahrattas could afford the English he professed to attach no importance to it: He said: “You will march four coss in a day, more you cannot for your lives, and so keep trotting after me all round the country; my business in the meantime I shall take care to despatch. I shall lay all waste around you; this will be my employment, and then *you* do your best. Bring the Nizam and the Mahrattas to help you, and see what you can do. You were all three united for a time once before, and what did it end in? And what think you will it come to in future? Why, each will go back the same way he came.”†

A second audience was held the next day, and for an hour and a half the English envoy reiterated his arguments as to the advantages which would accrue to Hyder from making peace. The Mysore Chief listened patiently, and at the close of the discourse declared that it was his wish to settle the dispute and contract a hearty friendship with the English. “My friendship,” he declared, “will not be like that of the Mahrattas and the Nizam. You have now, you say, secured that of the former, but take my word for it, you will discover, in four or five months more, how far it is to be relied upon. When they have not observed one dot of the treaty they made with me, why should you imagine their attachment to you will be more durable? There is no occasion for *me*, however, to tell you this: you will be sufficiently apprised of it when the time comes. A sight of the letters and

* *Secret Select Committee's Proceedings*, 26th August, 1782, vol. iii., p. 890.

† *Ibid.*

“papers that come constantly to me from thence, which you may see if you please, would alone convince you.”* Hyder declared himself willing to make a treaty of peace, but he refused to close the war by merely agreeing to the Poona treaty. “I have not entered,” he remarked, “the Carnatic and made war here for these two years past merely for the purpose of going out as I came, and if I chose to do so, there would surely be no need of waiting for your orders; rather than do that I will stay two years more. I care not for the expense, nor do I expect to get any money out of the Carnatic. That is no object with me, for when the English troops formerly entered my country, I did not scruple even then to burn and lay waste the whole territory in which they marched. But *you* are undone if your country is not in a condition to yield revenue; for what avails it that you possess a fort, like that of Vellore, for instance, without being able to realize anything from its dependencies?”† He argued that as in the treaty with the Mahrattas and the Nizam the English had agreed to the surrender of territory, he had a right to expect the same terms. It was in vain that the envoy urged that it was to the Mahrattas only the English had agreed to restore the country they had taken from them, and that they had not invaded nor destroyed any English possession. On this point Hyder remained firm and would listen to no overtures. Sindia had written to him as to his real intention with regard to the Poona treaty. “My answer to him is, that, let that measure take place when it may, I am bent upon war.”‡

* *Secret Select Committee's Proceedings*, 26th August, 1782, vol. iii, p. 893.

† *Ibid.*, p. 894.

‡ *Ibid.*, p. 895.

Eyre Coote, finding that Hyder would not withdraw his demands, closed the negotiations, and with his troops returned to Madras. The time had come when he must leave the veterans he had so often led to victory. He had begun the campaign broken in health, and the toils and anxieties of war had quite undermined his constitution. The doctors informed him that his only hope of recovery was a sea voyage and change of air; and it was with no common pain that he obeyed their commands and set sail for Bengal.

He had not long left the scene of war when tidings reached the Board of the death of his great antagonist. Worn out by the fatigues of the campaign and suffering from a cancer, Hyder Ali expired in his eightieth year. A bitter and inveterate foe of England, he possessed some of those qualities which Englishmen admire. He had received from nature excellent parts, vast muscular strength, and unflinching courage. He was a bold and skilful horseman and no one outdid him as a marksman. His education had not been such as to develop his understanding. He could not read nor write any language, but he spoke Canarese, Mahratta, Telugu, and Tamil. He was his own prime minister, and in the business of the State was most assiduous. He had the talent of choosing his servants well, and treated them with generosity if they served his ambition, but with ruthless severity if they interfered with his glory. His temper was purely intellectual, and was affected neither by pity nor passion. No act was too base or cruel for him to commit in the pursuit of his aim, the prosperity and greatness of the empire which he founded. The rising power of the English threatened, he considered, its security; and he carried merciless devastation into their dominions. With singular pertinacity he warred against them for years, but at

the close of life he felt he was engaged in a hopeless conflict. After his death his son Tippoo found in the folds of his father's turban a small scrap of paper on which were written the following words: "I have gained nothing by the war with the English, but am now, alas! no longer alive. If you, through fear of disturbances in your own kingdom, repair thither, without having previously concluded peace with the English, they will certainly follow you and carry the war into your country. On this account, therefore, it is better first to make peace on whatever terms you can procure, and then go to your own country."*

Tippoo, however, did not hearken to the advice of his father, and continued the war. It might have been brought to a close if the English had struck a decisive blow. But General Stuart, who succeeded to the command of the Madras Army, after the departure of Eyre Coote, wasted valuable time in altercation with the civil authority. With a better equipped army than Sir Eyre Coote ever commanded he allowed sixty days to pass without making any forward movement, and when he did move, his only action was to destroy the fortifications of three forts which Eyre Coote was most anxious to preserve. The Madras Government were not desirous to conduct the war to a successful issue, but were bent on making peace on any terms. They sent an envoy to negotiate with Tippoo, and requested from the Supreme Government full and special powers to conclude a peace with Tippoo. The request aroused the anger of Hastings. He wrote:—

"After having lost the most favourable occasion that could be wished for expelling the Mysoreans out of the Carnatic, and even preventing Hyder's son from succeeding to any considerable part

* *Secret Select Committee's Proceedings*, 10th February, 1783, vol. iii, p. 916.

"of the power of his father, you now request to be invested with powers to acknowledge Tippoo as the representative of Hyder, and to yield to him whatever his father in all his power, amidst all our distresses, was subjected to resign by the treaty which we had concluded with the Mahrattas.

"It avails the interests of Great Britain in India but little that your President, in a long minute on the 11th of February last, appears sensible of the happy opportunity which has been lost for the recovery of the Carnatic, and the expulsion of our natural enemies ; records of laborious altercation, stinging invective, and mutual complaint are no satisfaction to the public in compensation for a neglect that may cost millions, and upon a field where immense sums had been expended to maintain our footing."*

eath of
yre
note.

The uneasiness caused by the tidings from Madras led Hastings once more to appeal to the patriotism of Eyre Coote. He asked him to resume command of the army in the field. Though his health had not recovered from the fatigues and anxieties of the late campaign, Sir Eyre Coote acceded to the request and embarked on board the *Resolute* for Fort St. George. After a rapid and prosperous voyage the vessel was approaching Madras when at dusk four ships were perceived steering the same course. At the break of day it was discovered that they were enemies. "For the four following days, it being full moon, the night as clear as the day, the chase was most indefatigably pursued ; fresh breezes were in the day, calms in the night ; in the former we had, in spite of their number, the apparent heels of them, but in the calms the frigates by making use of their sweeps and tow-boats always regained their distance ; during the whole chase the four ships were never nearer us than one league, nor further distant than five, till the last day, when we ran two of them out of sight, and the two best sailers, *La Fendant* and *Coventry*, hull down ; this was about fifteen leagues from Trin-

* *Secret Select Committee's Proceedings*, 11th March, 1783, vol. iii., p. 912.

“cōmalee, when at night on the 18th they gave it up, “and I believe steered for their port.”* But the suspense proved too great for the shattered constitution of Eyre Coote. “On the third day, big with the fate “of the service, wrapt up with his country’s cause, and “feeling, I believe, his own consequence and the benefit “the enemy would reap if they captured him, his “family also on board, and a thousand other points “crowded on his shattered frame, the trial proved too “great, and the General dropt on deck, struck with a “paralytic stroke; from that day he has been as ill as “mortality is capable of enduring; however, thank “God, we have got him on shore, better than could “have been expected, and I have hopes that he may “yet recover the use of his right side, and be otherwise “in time reinstated.”† The hopes were not destined to be realized. On the 27th April 1783 Colonel Owen wrote: “Your good and great General, Sir Eyre “Coote, is no more, worn down by severe illness and “fatigue both of body and mind, a very martyr to the “public cause. He this afternoon, about 5 o’clock, “resigned his breath, thank God, seeming without “pain; his last two days were remarkably placid and “serene.”‡ To his native land in the spring which followed his death were taken the remains of Eyre Coote, and buried in the quiet village of Rockwood, in Hampshire. A sumptuous monument was erected in Westminster Abbey to commemorate his worth.§ He was a brave soldier and a great captain. His military acquirements were extensive, both from study

* *Secret Select Committee’s Proceedings*, 7th May, 1783, vol. iii., p. 943.

† *Ibid.*

‡ Letter from Colonel Owen.—*Secret Select Committee’s Proceedings*, 7th May, 1783, vol. iii., p. 945.

§ Wilks’ *Mysore*, vol. i., p. 463.

and experience, and his movements were bold, comprehensive, and cautious. With cool reflection he planned his operations and with unflinching resolution, amidst appalling difficulties, he executed them. In him daring valour was combined with patience and sweetness of temper. In the hour of danger and trial his singular serenity roused the hopes of his veterans, and his unaffected kindness and consideration for them won the affection of the European soldiers and made him the idol of the native troops.

The death of Eyre Coote was a severe blow to Hastings' plans of retrieving the desperate state of the Carnatic. But his resolution never faltered to conduct vigorously the war against Tippoo; and he wrote to the Madras Government absolutely forbidding them to make peace with the Mysore Chief. The Poona Government had, after many months' delay, ratified the Treaty of Salbai, and confirmed Hastings' hopes that by the aid of the Nizam and the Mahrattas a single campaign vigorously conducted should lead to his overthrow. But General Stuart was incapable of vigorous action, and Lord Macartney was bent on making peace. When news reached India that the French had concluded peace with the English, the Governor of Madras again wrote to the Supreme Government asking for power to arrange a treaty with Tippoo. Hastings replied: "You require our consent to treat with Tippoo on the basis of the Mahratta treaty, and the pacification which has lately taken place in Europe. By both these authorities peace is already formally concluded with Tippoo if he will accept of peace, and by the former the Peishwa is bound to compel him to it if he shall refuse; therefore we cannot consent to any direct and independent treaty with Tippoo, nor to any conclusive agreement whatsoever which you may

“make with him, except for a cessation of hostilities.”* He added: “Respecting your claim on Tippoo for a reimbursement of the expenses of the war, and a compensation for the losses sustained by the invasion of the Carnatic, we can only express our astonishment at your making it the subject of a serious proposal, and of serious reproach to us for omitting it in our treaty with the Mahrattas; but, in short, had it been ever practicable, your mode of proceedings would have effectually defeated every chance of obtaining it. To solicit peace in order to claim a reimbursement for the expenses of the war is a new doctrine in negotiation which will not answer in India, and we doubt of its efficacy in any country.”† The letter closes with the emphatic remark: “We have only again to repeat that we will not consent to your making any direct treaty of peace with Tippoo Saheb.”‡ Lord Macartney, contrary to these express orders, continued negotiations with Tippoo, but the Mysore Chief for three months treated his proposals with silent contempt. At length the gallant capture of Cannanore by a small body of English troops,§ and the want of success which attended his own arms, led Tippoo to consent to negotiate a treaty,|| which was signed on the 11th of March 1784. The terms were a mutual restoration of all conquests, and a severe struggle of four years left neither of the contending parties with any advantage. The treaty, though it made a temporary peace, was a provocation to future war. It entailed the

Treaty
with
Tippoo
11th
March
1784.

* *Secret Select Committee's Proceedings*, 4th September, 1783, vol. iii., p. 1015.

† *Ibid.*

‡ *Ibid.*

§ For detailed account see *Selections from the Bombay State Papers, Home Series*, vol. i., p. 97.

|| A copy of the *Treaty* will be found in the *Selections from the Bombay State Papers, Home Series*, vol. ii., p. 316.

necessity of another conflict to correct the arrogance with which it inspired Tippoo.

Hastings' objection to the treaty.

Hastings objected to the form of the treaty, as it made no mention of the Nawab of Arcot, and excluded him from a participation in the peace stipulated for his dominions. This the Governor-General regarded as an avowed usurpation of his right of sovereignty and subversive of the principles of justice and good faith. But he considered peace to be "an object too valuable to be rejected if it can be retained with honour," and he expressed his willingness to sign the treaty provided it were accompanied with a declaratory clause which should include the Nawab of Arcot as an essential party to it. Hastings also objected to the treaty on account of the total omission of the names of the Peishwa and Mahadajee Sindia, who had both striven to compel Tippoo to comply with the treaty of Salbai. "The Mahrattas," he wrote, "after having manifested to the world the decided part they had taken, were left exposed to the consequences of Tippoo's resentment, since the treaty was settled without any provision for them, or even allusion to them, although the peace itself was dependent on the treaty with Sindia, and was in a great measure, if not absolutely, the effect of their vigorous interposition." In order to soothe the wounded feelings of Sindia, and to reconcile him to the treaty, Hastings wrote him a letter in which, after declaring that "the treaty was in every respect conformable to that of Salbai," he endeavoured to make up for the inattention which had been shown to his Government in the form of the treaty by ascribing to him and the Mahratta State that degree of merit in the completion of it which he thought was simply their due.* Hastings' apprehensions that the

* *Secret Select Committee's Proceedings*, 13th July, 1784, vol. iii., p. 1104.

Mahrattas would be offended at their names being omitted from the treaty were not without foundation. His letter, however, dispelled the unfavourable impression created by the treaty. Hastings wrote: "Sindia felt
"that some declaration of this kind was necessary not
"only to preserve the consequence of the Mahratta
"Government in the eyes of its neighbours from being
"diminished by the inattention shown towards it by
"the deputies from Fort St. George, but also to justify
"himself to the ministers of his superior for having led
"them into measures which, whatever might have been
"their effect with regard to the English Government,
"had been attended with no honour to the Mahratta
"State, and threatened to involve it in a war with
"Tippoo, of which the first movements were produced
"by a plan concerted with us, and our participation in
"it assured under a new engagement, but which they
"were now left to conduct by themselves. So strongly
"was Sindia impressed with these ideas that he thought
"it necessary to desire that a similar declaration should
"be given to him by the Board."* And although
it was "contrary to the forms of our constitution, which
"prescribed that all correspondence with the princes of
"India should be carried on through the Governor-
"General singly,"† Hastings recommended the Board
to authorize him to send Sindia in their name a written
declaration to the same effect as that contained in his
letter to him. With pardonable pride he informed the
Board: "It is in some degree foreign to the present
"subject, yet I cannot refrain from imparting to you
"the pleasing satisfaction which I myself feel in
"observing the great and evident change that has

* *Secret Select Committee's Proceedings*, 13th July, 1784, vol. iii., p. 1105.

† *Ibid.*

“within these few years taken place with regard to
“our Government in the opinions and dispositions
“of the principal powers of Hindustan. We seem now
“to have regained our proper weight in the political
“system, and the neighbouring States, who formerly
“shrunk from our advances, are eager to participate in
“our views, and to connect their interests with ours.”*

The great change, to use his modest words, that
had taken place was due to the courage and states-
manship of Hastings. Menaced by foes on all sides,
ill-supported by his masters, surrounded by colleagues
who thwarted, embarrassed, and intrigued against him,
he contrived by his individual energies to raise the
Company from being a body of merchants and adven-
turers into the most powerful State in the politics of
India. Englishmen have grown so accustomed to being
the masters of India that they have not sufficiently
realized the difficulty of Hastings' task, or the genius
of the man whose far sight first saw and whose brave
and confident patience realized this romantic idea of
his country's greatness. As he told the House of
Commons :

“The valour of others acquired, I enlarged and gave
“shape and consistency to the dominion which you
“hold there; I preserved it; I sent forth its armies
“with an effectual but economical hand, through
“unknown and hostile regions, to the support of your
“other possessions; to the retrieval of one from
“degradation and dishonour; and of the other from
“utter loss and subjection. I maintained the wars
“which were of your formation, or that of others, not
“of mine. I won one member† of the great Indian con-

* *Secret Select Committee's Proceedings*, 13th July, 1784, vol. iii.,
p. 1105.

† The Nizam.

"federalcy from it by an act of seasonable restitution ;
 "with another* I maintained a secret intercourse, and
 "converted him into a friend ; a third† I drew off by
 "diversion and negotiation, and employed him as the
 "instrument of peace. When you cried out for peace,
 "and your cries were heard by those who were the
 "object of it, I resisted this, and every other species of
 "counteraction, by rising in my demands, and accom-
 "plished a peace, and I hope everlasting, with one
 "great State;‡ and I at least afforded the efficient
 "means by which a peace, if not so durable, more
 "seasonable at least, was accomplished with another.§
 "I gave you all, and you have rewarded me with
 "confiscation, disgrace, and a life of impeachment."

At the time when Hastings was straining every
 nerve to baffle the foes of England in India, and his
 efforts were about to be crowned with success, news
 reached him of the severe censures which had been
 passed on his conduct by the Secret Committee of
 the House of Commons. This was speedily followed
 by intelligence of the subsequent resolution of the
 House that it was the duty of the Directors to recall
 him. The Court of Directors decided that it was
 expedient to remove him, but the Court of Proprietors
 rescinded their resolution. On the 9th of April
 1782, immediately after the resignation of the Rock-
 ingham Ministry, Dundas moved that the reports
 which he had presented as Chairman of the Secret
 Committee should be referred to a Committee of the
 whole House. "The learned Lord, in a speech of
 "nearly three hours, entered into a detail of the
 "causes, progress, and present state of our calamities.

* Moodajee Boosla.

† The Mahrattas.

‡ Mahadajee Sindia.

§ Tippoo Sultan.

“in the East, and this he did in a clear and masterly style.”* The Lord Advocate admitted that until he was appointed Chairman of the Secret Committee there were few men who knew less of Indian affairs than himself. “Unless that knowledge which every Member of Parliament ought to make it his duty to possess, of so important a part of the British dominions, he knew nothing of the affairs in that quarter of the world.” He descanted at great length on the foreign policy of the Government of India, and condemned it. “His Lordship mentioned it as a speculative point of his own, that he had his doubts whether any possessions on the western side of India were worth our obtaining and keeping.” After the speech he proposed forty-five condemnatory resolutions for the consideration of the Committee, which were carried. Though these resolutions condemned the policy of Hastings, there was no specific proposition of personal culpability. On the 30th of May 1782 Dundas, however, moved, and the House adopted, the following resolution: “That Warren Hastings, Esq., Governor-General of Bengal, and William Hornby, Esq., President of the Council of Bombay, having in sundry instances acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company, it is the duty of the Directors of the said Company to pursue all legal and effectual means for the removal of the said Governor-General and President from their respective offices, and to recall them to Great Britain.” The Court of Directors, in deference to the vote of the House of Commons, passed an order for their recall. On

* *The Parliamentary History of England*, vol. xxii.

the 1st of July 1782 the Marquis of Rockingham died. Lord Shelburne became Prime Minister, and Fox and Burke retired from the Ministry. At the India House the fact that Burke was out of power, and a belief that Hastings had the support of Lord Shelburne, operated powerfully in his favour. In October the Court of Proprietors rescinded by a large majority the order of recall made by the Court of Directors. In December 1782 Hastings wrote a letter to Lord Shelburne, of whose accession to power he had just heard, in which he vigorously defended his foreign policy. He stated with truth that the invasion of the Carnatic was due to a great confederacy against all the British Governments, and that he had no concern in the origin of the Mahratta war, but "the prosecution of it was mine, and the "Malwa peace is exclusively mine." "Forgive me," he writes, "the boast when I add that I have been "the instrument of rescuing one Presidency from "infamy and both from annihilation." Fearing that his conduct at Benares might be misrepresented and misconstrued, he forwarded to Lord Shelburne a copy of the narrative which he had ordered to be printed of what had taken place. "It may perhaps prove," he wrote, "a gratification of curiosity to your Lordship "to receive a book which is, every process of it, the "manufacture of the country." Hastings' fears were well founded. Fox and Burke, annoyed at the Court of Proprietors' refusal to recall him, had begun to attack the Benares case with all the invectives they could command. In February 1783 took place the famous coalition between Fox and North, and the combined parties defeated the ministry on a motion concerning peace.

Coalition
between
Fox and
North.

On the 27th April the new Cabinet was formed.

The Duke of Portland was the nominal head, Lord John Cavendish Chancellor of the Exchequer, and Fox and North joint Secretaries of State. Burke was once more Paymaster of the Forces. Dundas, as Chairman of the Secret Committee, had realized the evil of divided control, and a few days after the formation of the Coalition Ministry he obtained leave to introduce a Bill for the better government of India. He proposed to give the King the power of recall over the principal servants of the Company; to increase the power of the Governor-General by making him independent of the Council; to add to his duties those of Commander-in-Chief, and to confer the united office upon a person of high rank and public character. He urged that Hastings should be recalled, and he considered Lord Cornwallis, a general and statesman, as the fittest person for the post. But Burke and his friends in the Administration were anxious that Philip Francis should be Governor-General, and they had determined to bring in a Bill of their own. Dundas being in a minority in the House, did not persevere with his measure.

On the 11th November 1783, at the opening of the autumnal session, the speech from the throne, which announced the loss of the American colonies, stated that the affairs and Government of India "solicited the utmost exertion of their abilities, and that the fruit was now expected of these important inquiries which had been so long and diligently pursued." Seven days later Fox moved that leave be given to bring in, not, as is so often inaccurately stated, his East Indian Bill, but his two separate East Indian Bills—one having a reference to the Government at home, the other to the Administration in India. On the 20th November, Fox presented to the House his first Bill. Its principal feature was that it vested the

Government of India for four years in a Commission of seven persons named in the Bill. "And for the sole purpose of ordering and managing the commerce of the said United Company under and subject to the orders and directions of the said Directors"—new assistant Directors were named in the Bill—"being proprietors each of them of two thousand pounds capital in the said United Company." On the 26th November Fox brought in his second Bill. It was entitled "A Bill for the Better Government of the Territorial Possessions and Dependencies in India"; but, as James Mill states, no improvement whatsoever in the order and distribution of the powers of government was attempted, and hardly anything higher was proposed than to point out what were deemed the delinquencies into which the Government of India had strayed, and to forbid them for the future. It is in the second Bill that we clearly trace the hand of Burke, directed by Philip Francis. On the 1st December the order of the day was read for the House to resolve itself into a Committee of the whole House upon the Bill "for vesting the affairs of the East India Company in the hands of certain Commissioners." Pitt and Dundas opposed the measure, which was defended by Burke in a speech which was filled up with a travesty of facts, with invectives against Hastings and the servants of the Company. He, who had with fiery eloquence contended that it was a clear violation of chartered rights to prevent the Company by Act of Parliament from managing its own affairs, now laid down with equal fervour the sound principle on which the good government of India must always depend—that the East India Company, or governing body, was accountable "to Parliament, from whom the trust was derived."

Fox presents to the House his first East India Bill.

Fox brings in his second Bill.

The main provision in the first Bill—that the seven Commissioners were to be named in the Act, and were to be irremovable except upon an address of either House of Parliament—was regarded as an attempt to vest in the Whig party the whole patronage of India, and to lessen the influence of the Sovereign. The fact that the Commissioners were to hold their office for only four years, and that all vacancies were to be filled by the appointment of the Crown, did not diminish the public distrust of the measure. The King saw that the Bill furnished a powerful weapon against an unpopular Ministry which he hated, and on the 17th December, owing to the personal pressure put on the peers by His Majesty, the Bill was rejected by the House of Lords by 95 to 76. The Ministers were dismissed, Pitt installed in their place, and the absolute abrogation of the powers of the Company was postponed for eighty years. Much can be said in favour of Fox's Bill relating to the Home Government of India. It was a more honest Bill than Pitt's, and avoided "the dual control" which led to so many grave evils and disasters.

On the 14th of January 1784 Pitt moved "That leave be given to bring in a Bill for the better regulation of our Indian concerns." In his opening speech he stated the real object of the measure: "The imperial dominion of our territories in the East ought to be placed under other control than that of the company of merchants in Leadenhall Street, but the change ought to be made with as little violence as possible; it ought to be made by the conviction of the Company, and not by violence." In this the Company agreed with him. Pitt desired, like his father, to place the whole government of India under the control of the Crown; but when in opposition he

had gauged the power of chartered rights. Fox still commanded a majority in the House, and Pitt's Bill was rejected. Pitt's Bill rejected. Every student of English history knows the story of the election of 1784, and Pitt's triumph and return to power. On the 13th of August he again introduced his first East India Bill, slightly modified, Pitt again introduces his Bill, and it is carried. and obtained a decisive majority—271 to 60—in its favour. Never was a bill framed which so well concealed, by vague and ambiguous language, its real aim. It was said to be drafted by Dundas, and that able Scottish lawyer displayed all the worldly sagacity of the race. The Company were conciliated by being allowed to keep their trade privileges, and by the Court of Directors having their powers continued merely subject to the revision of a Board of Commissioners for the affairs of India. It was to be an ideal Board, consisting of certain members of the Privy Council. The Commissioners were to have no salary and no patronage. Pitt stated in his speech that Privy Councillors, who “at the same time were possessed of great and distinguished offices, with large emoluments and little labour, would no doubt be found to accept of their duties without any additional reward.” The jealousy of the King and the suspicion of the country as to the increase of the power of the Prime Minister were disarmed by the Commissioners being appointed by the Crown and holding office during pleasure. The authority which the Government had of seeing all papers sent to and from India was transferred to the Board. The Commissioners were further empowered to call upon the Court of Directors to prepare despatches on any subjects, to be submitted for their revision and alteration, and on their failure within fourteen days to write them themselves. All high political matters were placed in a

Secret Committee of the Court, limited to three members (in practice, to two—the Chairman and Deputy-Chairman), who alone communicated upon them to the Board. When the Chancellor of the Exchequer and one of the principal Secretaries of State were absent, the senior of the five presided. In early times the Commissioners did sit as a Board, and in a letter to Lord Cornwallis, of July 1787, Dundas says: “Mr. Pitt is a real active member of the Board, “and makes himself thoroughly master of the business.” But the Board soon became the shadow of a Board, and practically ceased to exist.

In February, 1782, Hastings received a copy of the resolutions of the Court of Directors condemning his conduct in the affairs of Benares as a breach of treaty, and justifying Cheyt Sing. He regarded the resolution not only in the light of a personal insult, but as an incentive to the princes of India to throw off the authority of the Company and assassinate their servants. For the sake of his masters he had shrunk from no danger and no responsibility, and they had condemned him. It would have been more profitable to him to have followed a less arduous and safer course. The words he wrote to a friend reveal how deeply he felt the wrongs done to him:

“I could have guarded myself most effectually against their censures by avoiding all responsibility, and covering myself with their orders in whatever I did. I could have kept their troops and treasure at home, when the Presidency at Bombay was engaged in schemes to which it was confessedly unequal. I could have suffered the disgrace of the unhappy affair of Wargaum to remain an indelible stain on the British name. It was no concern of mine. I could have suffered the Carnatic to fall an easy prey to Hyder, when Francis opposed the measures which I suggested for its preservation, and I could have justified it on the principle of self-preservation, the prior care due to the first possessions of the Company, the want of authority from home, the season of the year which would render it an act of madness to

“send their troops to perish by sea, and by a fair estimate of ways and means, which would prove that we had not assets for such an enterprise. I could have acquiesced in the violations of faith, which the Government of Madras were guilty of towards Nizam Ali, and contented myself with protesting against it. I could have seen Chimnajee lay Bengal waste, for it was scarce in his power to avoid it, and nothing but my private aid prevented it. I could have sat quietly down when our ordinary resources would yield no more supplies for the war, and ruin threatened. What business had I at Benares?

“But if I had observed this discreet and safe conduct, let me ask not you, my friend, but my most rancorous enemies, what would have been the state of the Company, or whether it is likely that it would at this time have existence?

“In the meantime I could have provided an ample fortune for myself, by means which no one could have assumed to hurt or discredit me.”

In a letter to the Court of Directors, Hastings carefully and eloquently reviewed his whole policy. After apologizing for whatever might appear offensive in it, he declared that he should have submitted in silence to the severest expressions of censure had they been no more than expressions and applied to real facts.

“But when the censures are not applied to real facts and are such as substantially affect my moral character, I should myself be an accomplice in the injury if I suffered the slightest imputation to remain which it was in my power to efface.” He refuted by

cogent arguments the statement that Cheyt Sing was an independent prince and that he was guilty of any breach of faith in his treatment of him. He then proceeded with great earnestness to deprecate the suggestion of the Court to restore Cheyt Sing, and declared that he would immediately resign if Cheyt Sing were reinstated at Benares. Then enlarging with considerable force on the services he had done the Company, and the patience and temper with which he had submitted to all the indignities which had been heaped upon him, he requested the Court to obtain the

Hastings
declares
his inten-
tion to
resign.

early nomination of a person to succeed him, and declared his intention to resign their service as soon as he could do it without prejudice to their affairs.

When Hastings wrote this letter, he fixed upon the beginning of the year for his departure to England, but shortly after despatching it an event occurred which compelled him to alter his plans. The Nawab of Oudh and his ministers had appealed against the conduct of Mr. Bristow, the Resident, and "impelled "me," wrote Hastings, "by every tie of justice, honour, "and public duty to sacrifice every consideration that "regarded myself alone, if necessary, for his redress." It was a costly sacrifice, for it entailed upon Hastings separation from his wife. His love and admiration for her were unbounded. There was not such a being in the world : as long as she was by his side, nothing could come amiss to him : the cares and fatigues of the day made no impression on his spirits. When she had left he wrote : "I miss you in every instant and "incident of my life, and everything seems to wear a "dead stillness around me; I come home as to a soli- "tude." His greatest comfort in her absence was to read her letters. "It contains your words and your thoughts, "and I had rather brood over the melancholy passions "excited by it, than be a sharer in the most pleasing "entertainments that nature or art could afford me." The only action in his lonely and stormy life concerning which a doubt seems to have ever crossed his mind was his resolve to part from her. "I think we have ill- "judged. The reflection has often for an instant "occurred to me that we were wrong, but I constantly "repressed it. I urged everything that could fix the "resolution beyond the power of recall, and felt a "conscious pride in the sacrifice I was preparing to "make.* The state of his wife's health laid him

* Busteded *English from 011 011*

under the stern necessity of sending her to England : the state of India compelled him to remain at his post. "I will resign this thankless office," said he, "on the first favourable opportunity ; but I will not be driven from it either by the folly of my subordinates or the injustice of my superiors. I have saved India, in spite of them all, from foreign conquest, neither will I quit my post until the internal affairs of this great country shall have been restored to something like order." Bengal and Behar were threatened with famine, and Hastings appointed a committee to take measures for the relief of the people. He also applied the whole energies of his mind to the ever-ungracious task of retrenchment and reform. The state of affairs in Benares and Oudh caused him grave anxiety. He had always regarded Oudh as our bulwark against foreign aggression, and its prosperity and good government as essential to the safety of our own dominion. From the first moment that he had become Governor-General he had courted an Oudh alliance with unceasing assiduity, and he had sedulously cultivated the friendship of the Nawab Shuja-Dowla and his son. "His titular rank of Vizier of the Empire," wrote Hastings, "rendered him a conspicuous object of view to all the States and Chiefs of India, and on the moderation and justice with which the British Government in Bengal exercised its influence over him, many points most essential to its political strength and to the honor of the British name depended."* Hastings was of opinion that Bristow had treated the Nawab neither with moderation nor justice. When the latter met him at Chunar he had persuaded him to agree to the admission of the assistance of the Resident in the

* *Secret Select Committee's Proceedings*, 29th September, 1783, vol. iii., p. 1018.

charge then specially given to his minister of his finances and public disbursements. Dissatisfied with the conduct of Mr. Middleton, to whom this charge was first committed, Hastings nominated Mr. Bristow to it in his stead. "To this I had various and powerful inducements. The principal was the reiterated order of the Court of Directors for his appointment; secondly, the wish of the other Members of the Council urging it; thirdly, their declaration of uniting to support my authority, and other concurrent circumstances, removing the objection which had hitherto opposed it; fourthly, a reliance on the personal gratitude of Mr. Bristow for my optional nomination of him to so important a trust; and fifthly, his assurances and a pledge given me for the performance of them in which I then reposed a religious confidence."* This confidence, Hastings considered, Bristow had betrayed. He had enjoined him to study on every occasion to conciliate the goodwill of the Nawab and "to show him every ostensible and external mark of respect," but the Resident treated a sovereign Prince as a dependant, and prescribed to him "the number of horses which he should be allowed to use and the dishes which should be cooked for his table."† He also interfered in every department of the State. The Nawab complained to the Board, and they requested Bristow to answer the charges brought against him. Six weeks having elapsed without a reply being received from him, Hastings moved that Bristow be recalled, the office of Resident dissolved, and the Nawab and his minister made responsible for the payment of the Company's debts. All the

* *Secret Select Committee's Proceedings*, 29th September, 1783, vol. iii., p. 1019.

† *Ibid.*, 27th December, 1783, vol. iii., p. 1045.

proposals were, after considerable discussion, rejected. Bristow in due course of time replied and alleged that he was only acting according to the orders of the Governor-General, who insisted on the claims of the Company being satisfied. Hastings was a statesman who identified his own personality with the objects of his administration, and the defence of Bristow was regarded by him in the light of a personal insult. He was accustomed to command and to be obeyed. The temerity of Bristow aroused his anger, and the opposition of his colleagues increased it. He knew they did not possess the ability or the courage of his old opponents, and that they had only plucked up spirit to attack him when his recall was imminent. He felt that he had not that collected firmness of mind which he once possessed "and which gave such a superiority in my contests with Clavering and his associates. My last year's sickness has left a debility upon my constitution which I cannot remove, nor shall I, till I try a colder climate."* He, however, possessed a sufficient amount of the old imperious vigour to baffle the spirit of cabal in his Council. He told them that he held them solely responsible for the state of anarchy in Oudh, since they would neither enforce his instructions nor give Mr. Bristow others. This alarmed them. After many discussions they offered to recall Mr. Bristow if the Vizier liquidated his enormous debt to the Company by bills on creditable bankers "payable half in one month and the remaining half in two months from the date of Mr. Bristow's surrender of his office to the Vizier." And they added—"We shall agree to this arrangement on the express condition that the Governor-General will hold himself responsible to the Company and the public for the

* Gleig, *Memoirs of Warren Hastings*, vol. iii., p. 122.

“faithful performance of these engagements on the part of the Vizier and his minister, as well as for the security of the internal peace of the country, to maintain which and enforce these arrangements we shall give him our utmost support.”* Hastings immediately replied, rejecting the offer. He pointed out that it was impossible for the Vizier to pay even half of the sum owed in the time mentioned, and he added—“Nor if the Nawab Vizier would engage to pay it, and I believed him capable of paying it, would I hold myself responsible to the Company and to the public for the faithful performance of such an engagement,” because I do not think it consistent with truth or the regard which every man ought to pay to his own reputation to bind himself to the performance of acts which depend solely on the ability and will of another.”† His colleagues replied “that they could not imagine nor suggest that the Governor-General should be answerable in his private fortune for so large a sum, or that his responsibility for the payment of it or the current kists, should extend further than those obligations which constitute responsibility in a decided recommendation of any measure contrary to the general opinion of the majority of the Board.”‡ Hastings gladly consented “to be specially answerable for the propriety of the measure,” and the Board resolved to recall Bristow, and withdraw the Company’s Residency from the Court of Oudh. “I have indeed conquered,” wrote Hastings, “but I feel little inclination to triumph in my victory; for my hands are yet fettered, and such is the wretched state of the Vizier’s affair, that nothing can be more

* *Secret Select Committee’s Proceedings*, 27th December, 1783, vol. iii., p. 1050.

† *Ibid.*, p. 1051.

‡ *Ibid.*, p. 1052.

"discouraging than the prospect before me. If the Nawab Vizier shall desire me to come to his assistance I shall offer it to the Board, and shall be better pleased if they refuse than if they assent to it. Yet I will do what I can to gain their assent."* A short time afterwards he informed a friend that he had written a minute tendering his services to go to Lucknow and he added—

"I know that I can do much more if I am myself the immediate agent, than I can by distant influence and a delegated authority, but I may fail, for most wretched is the state of the Vizier's dominions, and I may lose my reputation in the consequences of it. On the other hand, I may be the instrument of retrieving it and of paying the debt which is due from the Nawab to the Company, and if I do, I shall close my service with glory and leave a lasting good name behind me, whatever reproaches the inventive malice of my countrymen may cast upon me for having saved the national interests and honour from the ruin which, but for my exertions, would have fallen on both."†

The Council after some discussion gave an unwilling assent to Hastings' proposal to proceed to Lucknow. In January 1784 his wife sailed alone for England, and in the following month he started on his journey to Oudh. He made a stay of five days at Benares and sent to the Council a long and minute account of the wretched condition of that province.‡ "From the confines of Buxar to Benares," he wrote, "I was fatigued and followed by the clamours of the discontented inhabitants." Their discontent and distress was due to a long continued drought and to "a defective if not a corrupt and oppressive administration."§ The land agents and tax gatherers exacted from the

Hastings' departure for Lucknow.

* Gleig, *Memoirs of Warren Hastings*, vol. iii., p. 141.

† *Ibid.*, pp. 142, 143.

‡ The minute will be found in *Secret Select Committee's Proceedings*, 20th April, 1784, vol. iii., p. 1082.

§ *Secret Select Committee's Proceedings*, 20th April, 1784, vol. iii., p. 1082.

proprietors of the actual harvest a large increase in kind on their stipulated rent. Those who held their fields by the tenure of paying one-half of the produce of their crops were robbed of nearly the whole by false measurements, and from those whose engagements were for a fixed rent in money, the half or a greater proportion was taken in kind. Trade was paralyzed by the extortion and oppression of the custom-house authorities. "The exorbitant rates," the Governor-General wrote, "exacted by an arbitrary valuation of "the goods, the practice of exacting duties twice on "the same goods, first from the seller and afterwards "from the buyer, and the vexatious disputes and delays "drawn on the merchants by these oppressions were "loudly complained of, and some instances of this kind "were said to exist even at the very time when I was "in Benares. Under such circumstances we are not "to wonder if the merchants of foreign countries are "discouraged from resorting to Benares, and if the "commerce of that province should annually decay."* Hastings forwarded to the Council an elaborate plan for reforming the administration, for making the Raja more directly interested in its working, and for the appointment of fresh officials. The Board resolved "that the Governor-General be authorized to carry "into execution the plan submitted, the Governor "being responsible for its effects, as a temporary "expedient."†

From Benares Hastings proceeded to Lucknow. He first devoted himself to the intricate task of adjusting the accounts between the Vizier and the Company. It was a matter to which he had devoted particular

* *Secret Select Committee's Proceedings*, 20th April, 1784, vol. iii., p. 1083.

† *Ibid* 30th June, 1784, vol. iii., p. 1099.

attention, and he succeeded in persuading the Vizier to give his consent to an equitable arrangement. After adjusting the accounts, by wise handling of the finances and effecting considerable retrenchments he put the Nawab in a position to pay his debts. He also took great trouble in arranging a revenue settlement for five years which would afford relief to the husbandmen suffering from years of scarcity. The military establishment of the Nawab had been both inefficient and costly and he placed it on a regular and economical basis. After leaving Lucknow he discovered that the Vizier suffered a hardship "from the army subsidy being kept "up at its original rate although the number of troops "employed by us for the defence of his dominions has "been greatly reduced."* The reduction was due to the strength of each regiment being diminished from one thousand to seven hundred men. Hastings wrote: "Neither the Vizier nor any of his ministers have ever "mentioned to me this deficiency, but it is not the less "our duty to take it into consideration. In all our "adjustments of accounts with the Vizier for many "years back, we have been regulated by the strictest "regard to justice, and the Vizier on his part has "on every occasion relied most implicitly on our justice "as well as on the accuracy of our Accountant-General. "Let us then confirm that confidence which is so "happily reposed in us by pointing out mistakes, even "although we must be losers by correcting them."† To remedy the injustice Hastings proposed that the cost of the regiment at Lucknow, for which the Vizier paid a separate amount, should be included in that of the troops for which the original subsidy was settled.

* *Secret Select Committee's Proceedings*, 1st November, 1784, vol. iii., p. 1113.

† *Ibid.*, p. 1114.

The proposal was vetoed by the Council, and they also repealed the order given by Hastings that a costly detachment of the Company's troops stationed at the Nawab's expense upon his northern frontier should be recalled.*

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Finding that his colleagues were bent on maintaining the detachment, Hastings asked their consent to the Nawab lending it to the son of the Moghul Emperor to assist him in the expulsion of the Sikhs from the territories of which they had lately possessed themselves in the neighbourhood of Delhi. The Governor-General regarded the growing power of the Sikhs as a grave danger. He wrote—"A new source of serious
"contemplation has arisen from a nearer quarter,
"namely, that of the Sikhs, a people who from a mean
"sect of religious schismatics have rapidly grown into
"the members of a dominion extending from the most
"western branch of the Attock to the walls of Delhi.
"They are by their bodily frame and habits of life
"eminently suited to the military profession; but this
"propensity is qualified by a spirit of independence
"which is a great check to its exertion. Every village
"has its separate and distinct ruler acknowledging no
"control but that of the people of his own immediate
"community, who in their turn yield him little more
"than nominal submission."† Conquest, and a man of superior capacity and enterprise aided by the spirit of religious enthusiasm might, however, weld them into a nation. The extinction of the Moghul Empire, which was rapidly approaching to its fall, he considered might give birth to a new dominion. "We are too apt," he wrote, "to despise the danger which we have not

* *Secret Select Committee's Proceedings*, 1st November, 1784, vol. iii., p. 117.

† *Ibid.*, 14th December, 1784, vol. iii., p. 124.

“experienced, and to conclude that what has not happened in the ordinary course of events never will happen. On such a presumption my conclusions may expose me to the ridicule of those who may deem them the mere effusions of a wild imagination. I am willing to submit to this consequence if the events which I have foreboded shall be prevented by seasonable means of opposition ; but I trust to time, and that not distant, for verifying my prediction if this people is permitted to grow into maturity without interruption.”* Time verified the prediction. The genius of one man, ruler of a petty tribe, welded the Sikhs into a great kingdom, and established a power greater than that of Sivaji and Hyder Ali, against which we had to struggle for the mastery of India.

The Prince, whom Hastings was anxious to aid in a campaign against the Sikhs, had escaped in disgrace from the court of Delhi. The Moghul Emperor, his father, was a mere puppet in the hands of his Minister, Afrasiab Khan. Afrasiab Khan had offered to enter, under the name and sanction of the Emperor, into a treaty with the English and the Vizier, but Hastings rejected the offer because “so far from promoting the wishes of the King, we should have to encounter the secret opposition of himself and his ancient servants, and perhaps the declared enmity of many other factions now lying dormant.”† The Governor-General had, however, expressed the opinion “that it would be for the credit and interest of the English Government to exert their endeavours to relieve the Shah from the thralldom of his ministers, and to establish his authority at least in his dominions,” and when the

* *Secret Select Committee's Proceedings*, 11th May, 1784, vol. iii., p. 1090.

† *Ibid.*

fugitive Prince prayed his assistance, he was not unwilling to grant it. He wrote—"Fallen as the House of Timur is, it is yet the relic of the most illustrious line of the Eastern World; its sovereignty is universally acknowledged, though the substance of it no longer exists, and the Company itself derives its constitutional dominions from its ostensible bounty." The wretched state of the House of Timur appealed to his imperial imagination, and he considered it not only a generous but a wise policy to prevent its extinction. In the confusion which was certain to follow its fall he considered some new adventurer might start up from the general mass who would constitute a new dominion and join to it all the powers and prerogatives of the past. Hastings felt that those who had the Moghul Emperor in their hands must become the legitimate masters of India, and he wished to gain for his country that position. "I do not want to send armies into the field," he wrote, "nor to disturb the repose which our Government enjoys and requires, after the fatigues and bruises which it has sustained from a long and accumulated warfare. I want no more than the power to dictate, and I am persuaded that I shall have no need to enforce it."* The Board, however, were unwilling to adopt so bold a policy, and refused to countenance any expedition in favour of the Moghul Emperor.

Bogle's
mission to
Thibet.

Not only by arms and by diplomacy did Hastings extend the influence of England, but also by commerce. It was his capacious mind that first conceived the plan of opening friendly commercial intercourse between the people over whom he ruled and the natives of the lofty tableland behind the snowy peaks to the north. He had when Governor of Bengal begun a friendly

* Gleig, *Memoirs of Warren Hastings*, vol. iii., p. 193.

correspondence with the rulers of Thibet and Bhutan, and on the 13th of May 1774 he sent the first British mission to Thibet under Mr. George Bogle. On the 26th of February 1775 the Governor-General laid before the Board a letter from Bogle informing them of his interview with Teesho Lama, and an interesting memorandum on the trade of Thibet. "The principal articles of merchandise," he writes, "between Bengal and Thibet are broadcloth, attar, skins, neel (indigo), pearls, coral, amber, and other beads, chauk, spices, tobacco, sugar, Malda striped sattins and a few white cloths, chiefly coarse; the return is made in gold dust, musk, and cow-tails."* When Bogle returned from Thibet, he found Francis, Clavering, and Monson in power, and as he was a *protégé* of Hastings, he could expect no favour from them. The changes made in the administration had deprived him of all his appointments, and he had no employment but to act as one of Hastings' assistants. In December 1775 the Governor-General proposed that Bogle be allowed a salary of £1,200 a month during the time he was employed on the mission, and the motion was carried. It was a small sum considering the good work done and the amount which men situated like Bogle made in those days. When Hastings, on the death of Monson, regained his power, he once more turned his attention to establishing free commercial intercourse between Thibet and Bengal. On the 9th of April 1779 George Bogle was appointed to proceed again to Bhutan and Thibet "for the purpose of cultivating and improving the good understanding subsisting between the Chiefs of those countries and the Government, and to endeavour to establish a free and lasting intercourse of trade

* *Secret Select Committee's Proceedings*, 24th February, 1775, vol. i., p. 254.

“with the Kingdom of Thibet, and the other States to “the northward of Bengal.” The Lama, whose respect and confidence Bogle had won, was then on a visit to Pekin, and he desired Bogle to go round by sea to Canton, promising to obtain the Emperor’s pass for him to proceed and join him in the capital. The death of the Lama and of Bogle caused for a time the intention of sending a mission to be abandoned. But when Hastings got letters from Thibet informing him that the soul of the late Lama had entered and animated the body of an infant, he proposed to send a second deputation to Thibet. The Board consented, and Mr. Charles Turner was appointed to proceed on the mission. On his journey to Lucknow, Hastings met at Patna Turner returning from Thibet, who handed him a report on the results of his mission and also a narrative of his interview with the young Lama.* “Teesho Lama,” he wrote, “is at this time about “eighteen months of age. He did not speak a word, “but made most expressive signs and conducted “himself with astonishing dignity and decorum. His “complexion is of that hue which in England we “should term rather brown, but not without colour. “His features good, small black eyes, an animated “expression of countenance, and altogether I thought “him one of the handsomest children I had ever seen.”† The description of the interview between the English Envoy and the Great Lama, the high priest of millions of beings, is inexpressibly sad. “The little creature “turned, looking steadfastly towards me with the “appearance of much attention while I spokê, and “nodded with repeated but slow movements of the

* Captain Samuel Turner, *Account of an Embassy to the Court of the Teesho Lama in Thibet*.

† *Secret Select Committee’s Proceedings*, 13th April, 1784, vol. iii., p. 1080.

“head as though he understood and approved every word but could not utter a reply. The parents, who stood by all the time, eyed their son with a look of affection, and a smile expressive of heartfelt joy at the propriety of the young Lama’s conduct. His whole regard was turned to us, he was silent and sedate, never once looking towards his parents, as if under their influence at the time, and with whatever pains his manners may have been formed so correct, I must own his behaviour on this occasion appeared perfectly natural and spontaneous, and not directed by any action or sign of authority.”* The next day the envoy again visited Teesho Lama to present some curiosities he had brought for him. “He was very much struck with a small clock, and had it held to him, watching for a long time the revolutions of the minute hand. He admired it, but with gravity, and without any childish emotion.”† When he paid his last visit to the Lama, Turner “received his despatches for the Governor-General, and from his parents two pieces of satin for the Governor with many compliments. They presented me with a vest lined with lamb-skins, making me many assurances of a long remembrance, and observing that at this time Teesho Lama is an infant and incapable of conversing, but they hoped to see me again when he shall come of age. I replied that by favour of the Lama I might again visit this country.” Turner never had another opportunity of visiting the country, and no English official for upwards of a century held personal intercourse with the rulers of Thibet. So completely was the policy of opening commercial intercourse between

* *Secret Select Committee's Proceedings*, 13th April, 1784, vol. iii., p. 1080.

† *Ibid.*, p. 1081.

India and the trans-Himalayan regions abandoned, that the very history of the Hastings' negotiations was forgotten, and most of the valuable records of Thibet and Bhutan missions have been lost.*

The expeditions of Bogle and Turner to Thibet were not the only voyages of discovery which Hastings despatched. He caused the harbours and rivers of Cochin China to be surveyed, and directed the explorer to penetrate as far as he could into the interior. He also had the shores of the Red Sea explored, with the view of opening, by that line, a more direct and rapid communication between England and India. He also collected much valuable information regarding the Kingdom of Ava and its adjoining districts. His untiring energy led him not only to explore the countries of the East, but also the languages of Asia. He was familiar with Arabic and Persian. Though unacquainted with Sanskrit, he encouraged learned pundits to settle in Calcutta, and gave them support while they pursued their researches. The Asiatic Society and the Mahomedan College at Calcutta are splendid monuments of his zeal for the advancement of Oriental learning and education.

The time was drawing near for him to leave the land for whose welfare he had laboured with unwearied energy. In November 1784 Hastings returned to Calcutta from Lucknow. On his journey down he received letters from home announcing that Pitt had dissolved Parliament, and that the Coalition Party had been defeated at the elections. Major Scott told him that the Lord Chancellor considered that the Ministry

* Sir Clements R. Markham, K.C.B., F.R.S., *Narrative of the Mission of George Bogle to Thibet*. Sir Clements Markham writes—"All attempts to find adequate materials among the records at Calcutta or the India Office have failed." A note in the Consultations informs us that the original journal was sent to the Directors.

ought to give him a peerage and a red ribbon, and that His Lordship did not know a man who cut so great a figure upon the stage of the world as Hastings. To his other extraordinary actions must be added that of giving a ministry to Great Britain, for he had put an end to the late ministry as completely as if he had taken a pistol and shot them through the head one after another. Pitt had also declared that he looked upon Hastings to be a very great and indeed a wonderful man. The news of the downfall of his foes, and the flattering terms in which the new ministers spoke of him, led Hastings to hope that he would be permitted to pursue his policy without interruption from home or obstruction from his colleagues. He wrote to his wife: "I shall abide by the resolution which I communicated to you in my letter of the 24th of September, that is to say, if I am required by authority to stay, and have the powers given me which ought to belong to my office, and proper objects are assigned for my stay, I will stay, however repugnant it may be to my own feelings, or hazardous to my health." Hastings had about this time also heard of Pitt's intention to introduce an East India Bill, and he trusted that it would grant him the powers he had so long desired. On the 20th of December he received a packet "by way of Bussorah," which put an end to all his hopes and hesitations. It brought him a copy of Pitt's Bill and of his introductory speech, which Hastings considered more inimical to him than all the onslaughts of Fox and Burke. On the 27th December he wrote: "I have seen, read, and abstracted Mr. Pitt's Bill. It has determined me. I shall make an early trial of my colleagues on the affairs of Oudh, and if they will engage to abide by my engagements there, I will depart as soon as the *Barrington* is ready. She is

“now loading.” The dream of his life was shattered ; and in the account of his stewardship which he wrote on his voyage home he poured out his feelings. “Yet
 “may I feel a regret, to see that hope which I had too
 “fondly indulged, and which I had sustained during
 “thirteen laboured years with a perseverance against a
 “succession of difficulties which might have overcome
 “the constancy of an abler mind, of being in some
 “period of time, however remote, allowed to possess
 “and exercise the full powers of my station, of which
 “I had hitherto held little more than the name and
 “responsibility ; and to see with it the belief, which I
 “had as fondly indulged, that I should become the
 “instrument of raising the British name, and the
 “substantial worth of its possessions in India, to a
 “degree of prosperity proportioned to such a trust,
 “both vanish in an instant, like the illusions of a
 “dream ; with the poor and only consolation left me of
 “the conscious knowledge of what I could have effected,
 “had my destiny ordained that I should attain the
 “situation to which I aspired, and that I have left no
 “allowable means untried, by which I might have
 “attained it.”*

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 Hastings,
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 tration,
 '85.

On the 13th of January 1785, Warren Hastings delivered to the Board a minute in which he informed them of his intention to relinquish the service, if his colleagues would give him an absolute and unqualified promise to carry out the late arrangements made with the Nawab Vizier. Having received from his colleagues an explicit answer agreeing to abide by the agreement, he wrote a formal resignation of his powers to his old masters. He told them with perfect truth that no man ever served them with a zeal superior to his own.

* *The State of Bengal*, p. 38.

•On the 1st of February, Hastings attended for the last time a meeting of the Council over which he had presided for thirteen years, and after wishing his colleagues a warm farewell and paying a handsome tribute of praise to those who had aided him in the heavy task of government, he surrendered the keys of office and brought to a close his great administration. Had he been guilty of the crimes laid to his charge, so unwearied was the pertinacity and malice of his enemies, that it cannot be doubted they would have been able to furnish more satisfactory evidence of his guilt. Of that guilt they never produced any proof. In answer to the charge of having oppressed the natives by extortions and exactions, there are the testimonials of all ranks of people in India in his favour. As he told his Judges: "It is very seldom that mankind are "grateful enough to do even common justice to a fallen "minister; and I believe there never was an instance "in the annals of human nature, of an injured people "rising up voluntarily to bear false witness in favour "of a distant and persecuted oppressor." Burke told the House of Lords that the testimonials were extorted, and "that the hands were yet warm with "the thumbscrews that had been put on them." It is incredible that Hastings' successor, Lord Cornwallis, a man of the noblest and gentlest character, would have countenanced acts of oppression and cruelty to gain petitions in favour of Hastings. In fact, when Hastings' attorney informed him that the natives of India were desirous of bearing testimony to the merits of Hastings, and requested permission that the officers of Government might have authority to transmit to the Governor-General in Council any testimonials tendered by the natives, Lord Cornwallis caused a cautious letter to be circulated among

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all the Collectors and Residents, which stated : " With
 " this request the Governor-General in Council has been
 " pleased to comply, and I have therefore to inform you,
 " that should any such addresses be tendered to you,
 " you are at liberty to receive and forward them to me.
 " The liberty now accorded is merely to receive and
 " transmit testimonials when voluntarily offered ; and
 " you are not to deduce any inference from it that you
 " are authorized to exercise any further interference in
 " this business."* Macaulay, while admitting that
 Hastings was beloved by the people whom he governed,
 attaches little or no importance to the addresses
 because they may have been due to the influence of
 English officials. However, we find in the case of
 Benares that the Resident, Jonathan Duncan,† a
 man conspicuous for his courage and high-mindedness,
 refused to forward the addresses to the Government on
 the ground that " as the addresses have no connection
 " with the business of the Company there is no necessity
 " that they (the inhabitants) should come or send to me.
 " Let them do what they think proper." In their
 address the inhabitants of Benares stated : " He laid
 " the foundations of justice and the pillars of the law.
 " In every shape, we, the inhabitants of this country,
 " during the time of his administration, lived in ease
 " and peace. We are therefore greatly satisfied with

* " Debates of the House of Lords on the events delivered on the
 " trial of Warren Hastings, Esquire. Proceedings of the East India
 " Company in consequence of his Acquittal and Testimonials of the
 " British and Native Inhabitants of India relative to his character
 " and conduct whilst he was Governor-General of Fort William in
 " Bengal."—DEBRET, MDCCXCVII.

† Jonathan Duncan became Governor of Bombay in 1795, and,
 after having ruled the Presidency with great wisdom for sixteen
 years, he died on the 11th of August, 1811, beloved by men of all
 classes and creeds.

“and thankful to him. As the said Mr. Hastings was long acquainted with the modes of government in these regions, so the inmost purpose of his heart was openly and secretly, indeed, bent upon those things which might maintain inviolate our religious advances and persuasions, and guard us in even the minutest respect from misfortune and calamity. In every way he cherished us in honour and credit.” The Pundits and other Brahmins of Benares sent him an address in which they wrote: “Whenever that man of vast reason, the Governor-General, Mr. Hastings, returned to this place, and people of all ranks were assembled, at that time he gladdened the heart of every one by his behaviour, which consisted of kind wishes and agreeable conversation, expressions of compassion for the distressed, acts of politeness, and a readiness to relieve and protect every one alike without distinction. To please us dull people, he caused a spacious music gallery to be built, at his own expense, over the gateway of the temple of Veesmaswar, which is esteemed the head jewel of all places of holy visitation. He never at any time, nor on any occasion, either by neglecting to promote the happiness of the people, or by looking with the eye of covetousness, displayed an inclination to distress any individual whatsoever.” The inhabitants of Moorshedabad also forwarded an address, in which they stated that “the whole period of Mr. Hastings’ residence in this country exhibited his good conduct towards the inhabitants. No oppression nor tyranny was admitted over any one. He observed the rules of respect and attention to ancient families. He did not omit the performances of the duties of politeness and civility towards all men of rank and station when an interview took place with

“them. In affairs concerning the government and
 “revenues, he was not covetous of other men’s money
 “and property; he was not open to bribery. He
 “restricted the farmers and officers in their oppressions
 “in a manner that prevented them from exercising
 “that tyranny which motives of self-interest and
 “private gain might instigate them to observe towards
 “the ryots and helpless. He used great exertions to cul-
 “tivate the country, to increase the agriculture and the
 “revenues. He transacted the business of the country
 “and revenues without deceit, and with perfect
 “propriety and rectitude. He respected the learned
 “and wise men, and in order for the propagation of
 “learning he built a college, and endowed it with a
 “provision for the maintenance of the students, inso-
 “much that thousands reaping the benefits thereof
 “offer up their prayers for the prosperity of England,
 “and for the success of the Company.” Quotations of
 a similar nature from other addresses might be
 multiplied to any extent. But addresses are not the
 only evidence we have of the honour and esteem in
 which Hastings was held by the natives of India.
 Burke declared in Westminster Hall that under the
 government of Mr. Hastings the country itself, all its
 beauty and glory, had ended in a jungle for wild beasts.*
 A Brahmin pilgrim on the banks of the Nerbudda
 declared that “he had lived under many different
 “Governments and travelled in many countries, but
 “had never witnessed a general diffusion of happiness
 “equal to that of the natives under the mild and

* “My Lords, you have seen the very reverse of all this under the
 “government of Mr. Hastings; the country itself, all its beauty and
 “glory, ending in a jungle for wild beasts. You have seen flourish-
 “ing families reduced to implore that pity which the poorest man
 “and the meanest situation might very well call for.”—*Burke’s*
Speeches and Correspondence, vol. ii., p. 438.

“equitable administration of Mr. Hastings.”* The testimony of the Brahmin pilgrim was confirmed by Lord Cornwallis, who said in the course of his evidence before the House of Lords that Hastings was much esteemed by the natives; and Sir John Shore (afterwards Lord Teignmouth), “a man of inflexible integrity, “well acquainted with the people,” deposed to the same effect.

In answer to the charge that he violated treaties and disregarded the legitimate rights of Native Chiefs, we have the letters of two of the leading native sovereigns to his successor, requesting to be treated by him as they were treated by Hastings. There are also letters from the sovereign of Berar, from the Nizam, from Mahdajee Sindia to the King and the Company expressing their strong sense of his justice and good faith. His tender regard for the rights and feelings of the Native Chiefs is testified in the strenuous battle he fought for the Nawab of the Carnatic and the Vizier of Oudh. That he was lofty and imperious with those who were disloyal, that he could brook no opposition to his will, may be admitted. But that he was kind and considerate to those who were loyal, and a generous master to those who served him, there are numerous indications in his letters and despatches. He saw that the power of England must be paramount in India, and for the honour and greatness of his country he strove

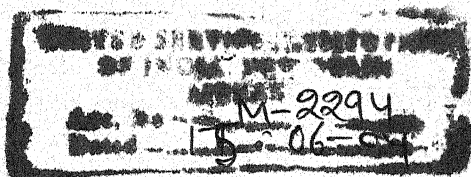
* “I cannot forget the words of this respectable pilgrim; we were “near a banyan-tree in the Darbar court when he thus concluded his discourse:—‘As the burr-tree, one of the noblest productions in nature, “by extending its branches for the comfort and refreshment of all “who seek its shelter, is emblematical of the deity, so do the “virtues of the Governor resemble the burr-tree; he extends “his providence to the remotest districts, and stretches out his “arms, far and wide, to afford protection and happiness to his “people; such, *Sahib*, is Mr. Hastings.’”—*Forbes’ Oriental Memoirs*,

with unwearied energy and unflinching courage, but he also desired that the paramount power should be surrounded by loyal feudatories allowed to govern their States without interference as long as they regarded the welfare and prosperity of their subjects.

Absorbed in the work of legislation and administration, in negotiating treaties, organizing armies, and sending forth expeditions, Hastings had scanty leisure to devote to his own affairs, and he proved a poor steward of his private fortune. He told his Judges: "I was too intent upon the means to be employed for preserving India to Great Britain from the hour in which I was informed that France meant to strain every nerve to dispute that empire with us, to bestow a thought upon myself or my own private fortune." It would have been better for his reputation had he bestowed more time on the regulation of his household, and had he been less lavish in his expenditure, and had he curbed his generosity. But during his trial it was clearly shown that the charge of having contaminated his hands with unlawful gain was wholly without foundation. It is not, however, by evidence produced at his trial that Hastings has been judged, but the calumnies of political opponents and the exaggerations of fervent orators have been accepted without examination or discrimination. The load of obloquy resting on his memory has in some degree been removed by clearer and juster views of the events of his time, and the character of the man who did good service for his country and the land in which he toiled for five-and-thirty years. His fair fame will not suffer from an examination still more rigid and dispassionate, and for this examination authentic materials are supplied

ago,* and in the account of his stewardship and other important papers written by him regarding the policy of his government which are now, for the first time, brought together from many sources.

* *Selections from the Letters, Despatches, and other State Papers preserved in the Foreign Department of the Government of India, 1777-85.*



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